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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91265309
Party	Defendant Zox LLC
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Attachments	20210317 Zoxlist Opp. to Motion to Dismiss and Mtn. to Consolidate F INAL .pdf(289028 bytes) Dec. of J. Kuipers in Support of Opp and Consolidation ZOXLIST Ex. 1. pdf(1856783 bytes) ARTICLES ABOUT ZOX BAND EXHIBIT 2 to Zoxlist.pdf(3816133 bytes) 997 APP Representative Specimens EXHIBIT 3.pdf(2868773 bytes) 839 APP SPECIMENS AND REPLICATIONS EXHIBIT 4.pdf(2234199 bytes) Zazzle Documents EXHIBIT 5 FINAL without Ex. 1_to Zoxlist.pdf(1863120 bytes) Zox Band Web Pages FIG 6 to complaint.pdf(771680 bytes) WIKIPEDIA EXIHIBIT 7 to Complaint Redacted.pdf(2927548 bytes) New Album EXHIBIT 8.pdf(1000108 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND
APPEAL BOARD**

JOHN ZOX, an individual	Trademark: ZOXLIST
Opposer,	
v.	Serial No.: 88/582,432
ZOX LLC.	
Applicant.	Opposition No.: 91265309

**APPLICANT’S COMBINED OPPOSITION TO MOTION TO DISMISS (I) CONTERCLAIM (II)
FRAUD CLAIM AND (III) APPLICANT’S REQUEST TO CONSOLIDATE**

I. INTRODUCTION

Applicant Zox LLC respectfully requests the Board deny Opposer John Zox’ (“Opposer” or “John Zox”) Combined Motion to Dismiss and Motion to Suspend in its entirety.

Applicant has filed a Motion to Suspend this proceeding pending the outcome of civil litigation as it has filed a complaint against Opposer John Zox with the United States District Court in the Central District of California, Case No. 2:21-cv-01609-PA-SK (the “Action”). In the unlikely event, the proceeding is not suspended, Applicant requests the Board consolidate all of the TTAB matters (defined below) as they involve the same common questions of law and fact and nearly identical parties and the discovery of Opposer’s fraud at the Trademark Office and TTAB.

Supporting that consolidation is appropriate, Opposer filed a *very similar* Motion to Dismiss in Petition to Cancel No. 92074323 (’323 Petition to Cancel) and Opposer filed almost the *exact same* Combined Motion to Dismiss and Request for Suspension in Opposition No. 91265525 (the “’525 Proceeding”) forcing Applicant to file essentially the same Opposition that it filed in the ‘525 Proceeding in this proceeding. The pending Action and all of the ZOX TTAB proceedings are redundant- involving the same set of facts, issues, parties and fraud.

Briefly, this dispute between the parties started in 2016, with the first TTAB matter being filed on December 10, 2019 (Opposition No. 91252817). Since this time Applicant in this matter, Zox LLC, its predecessors-in-interest and its related companies, House of Kuipers, LLC and Zox Straps, LLC (collectively referred to as the “Zox Company”) has uncovered a campaign of deceit to interfere with its business and trademarks.

As further described below, the intentional act of fraud has been perpetrated in each pending TTAB matter which has been confirmed via a subpoena by an independent third party, Zazzle. In addition to not selling goods through Zazzle as Opposer has represented to the Trademark Office, information online in the form of Internet posts, dates and “facts” has been modified and manipulated in an effort to try and improve Opposer’s legal position. These acts clearly support a lack of credibility by Opposer and the “intent to deceive” at this early stage in all of the proceedings.

The Zox Company (i) has adequately pled its claim for fraud on the Trademark Office; (ii) had a legal obligation to plead its counterclaim; and, (iii) pursuant to Fed. R. Civ. P. 42(a) and moves for consolidation. This Opposition and Request is based on the legal authority and argument as set forth below, the accompanying Declaration of Jason Kuipers attached as **Exhibit “1”**, and all records and pleadings on file.

II. BACKGROUND FACTS

The “Zox” Company

In 2011, a company called “ZOX” was founded in Arizona by three brothers, with the help of their mom and a sewing machine. The family started manufacturing and selling bracelets or straps to wear as a fashion accessory. Through dedication and countless hours of hard work, the business prospered over the last decade creating an extremely successful company that is engaged in, among other things, the production, sale and international distribution of consumer goods or retail products. (Declaration of Jason Kuipers, ¶¶ 1-2, hereinafter cited “Kuiper Decl., ¶___”)

The Zox Company’s one of a kind bracelets are generally accompanied by a “feel good” or inspirational message which created a faithful following of fans who collect and trade Zox bracelets

worldwide. For every online order, the Zox Company makes a charitable contribution. In addition to the bracelets the company offers goods such as, keychains, clothing, and bags. Its website can be seen at <https://zox.la/>. Kuiper Decl., ¶ 6-7.

The Zox Company owns several trademarks including U.S. Trademark Registrations listed in the table below.

Mark	Registration No.	Goods/ Services	First Use in Commerce Date
ZOX STRAPS	4,412,948	Class 14: elastic fabric wristbands in the nature of a bracelet	Sept. 15, 2011
ZOX	4,465,691	Class 14: Wristbands in the nature of a bracelet. Class 25: Wristbands; shirts	Class 14: 09/15/2011 Class 25: 09/15/2011
ZOXBOX	4759961	Class 25: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Wristbands.	May 30, 2012
ZOX	5233845	Class 18: Backpacks. Class 35: On-line retail and wholesale store services featuring clothing apparel, wristbands, bags and accesso	Class 18: 10/31/2016 Class 35: 08/00 2011

In April of 2013, the Zox Company acquired via assignment U.S. Registration No. 2992108 and all of the rights and goodwill associated with the mark for a ZOX design mark for use in connection with clothing which issued on September 6, 2005 with a first use in commerce date of October 1, 1992. Kuiper Decl., ¶8-10. All of Applicant's ZOX marks are hereinafter collectively referred to as the "Zox Company Mark".

John Zox

John Zox used to be in a music band called "Zox" in the early 2000's. According to several Internet articles the band broke up in 2009, got back together briefly in 2011 and played a small reunion show in 2014. It is also widely reported that the members of the music band Zox have moved on to other ventures. Kuiper Decl., ¶ 12, Exhibit 2.

According to their websites, John Zox' brothers Andrew Zox and Daniel Zox produce short films. See <https://andrewzox.com/> and <https://www.danielzox.com/>. Kuiper Decl., ¶ 13. Collectively John Zox, Andrew Zox and Daniel Zox are referred to as the "Zox Brothers".

At some point in time John Zox became aware of Zox the Company and its success¹. Kuiper Decl., ¶ 14.

The Trademark Office records indicate that on March 28, 2016, John Zox along with his brothers Andrew and Daniel Zox filed U.S. Application Serial No. 86954997 (the '997 Application) for the standard character word mark "ZOX" for use in connection with goods in classes 9, 25 and 41. Of particular importance is the specimens filed for the Class 25 goods- namely, images of products that *could* be purchased through the online print store Zazzle®. Exhibit "3" to the Kuiper declaration shows representative examples of the Class 25 specimens that were filed. The Class 25 goods were refused registration in light of Registration No. 4465691, owned by the Zox Company. Kuiper Decl., ¶15, Exhibit 3.

On information and belief, the Class 25 goods were included to make it appear as though the Zox Brothers and/or the music band Zox had been selling merchandise in the form of clothing and other retail items under the trademark "ZOX". Kuiper, Decl., ¶16.

On or about September 2, 2016, John Zox contacted Mr. Kuipers, a principal of the Zox Company demanding a consent to register. Mr. Kuipers declined. Kuiper Decl., ¶17. The '997 Application issued as Registration No. 5,268,843 (the '843 Registration) without the Class 25 goods. *Id.*, ¶18. The Zox Company did not hear from John Zox for the next few years. Kuiper Decl., ¶17

On December 13, 2018, John Zox filed a new application, serial no. 88/228,839 (the '839 Application) for the standard character word mark "ZOX" for use in connection with numerous goods and services that are identical or closely related to the Zox Company's goods. Of note again, is the specimens

¹ John Zox' response to the Zox Company's Interrogatory No. 1 for Opp. No. 91252817, states in pertinent part, "At least once a month for the past 10 years, one of the ZOX Band members receives a text or email from a friend or fan pointing out an ad that that person received on Facebook or Google for Opposer's "zox straps" or "zox wristbands" products.

John Zox submitted to the Trademark Office, in particular images of goods that *could* be purchased through Zazzle or other online custom print companies. Exhibit “4” of the Kuiper Declaration shows representative examples of the Class 25 specimens and how easy it is to make “replications” of these specimens using the Internet. Kuiper Decl., ¶19, Exhibit 4.

In order to protect its business, the Zox Company was left with no choice but to Oppose the ’839 Application. Kuiper Decl., ¶21. Filing this opposition resulted in all of the matters below at the TTAB.

The Current TTAB Matters

MATTER	MARK	PARTIES	STATUS
Opposition No. 91252817 And Counterclaim	Opposition: ZOX App. No. 88/228,839	Zox Company v. John Zox	Suspended: Both parties can file amended pleadings by Jan. 31, 2021.
	Pet. To Cancel: Reg. No. 4,465,691: ZOX; Reg. No. 4,759,961: ZOXBOX; and Reg. No. 5,233,845: ZOX	John Zox v. Zox Company	
Pet. To Cancel No. 92074323	Pet. To Cancel Reg. No. 5,268,843	John Zox Daniel Zox Andrew Zox	Registrant’s filed a Combined Motion to Dismiss and Motion to Suspend almost identical to the instant Motion on Oct. 5, 2020. Petitioner filed its Opposition on Oct. 14, 2020.
Opposition No. 91265309	Opposition ZOXLIST Application No. 88/582,432	John Zox v. Zox Company	Zox Company filed its Answer and Counterclaim on Nov. 23, 2020. No action has been taken by TTAB.
	Pet. To Cancel Reg. No. 5,268,843	Zox Company v. John Zox Daniel Zox Andrew Zox	
Opposition No. 91265525	Opposition ZOX (Design) Application No. 88/829,957	John Zox v. Zox Company	Opposer filed a Combined Motion to Dismiss and Suspend on Jan. 4, 2021. Zox Company filed this Opposition to the Motion and Request for Consolidation on January 24, 2021.
		Zox Company v. John Zox Daniel Zox Andrew Zox	

The '843 Registration has been used against the Zox Company in every TTAB proceeding including this one with John Zox stating, “Opposer—either as an individual, as co-applicant...” John Zox owns right in and to ZOX. *See* Notice of Opposition, ¶¶ 5-6 and Exhibit A to the Opposition. In discovery, Defendant John Zox claims he owns rights in and to the “ZOX marks” with “...his brothers Andrew Zox and Daniel Zox and/or with fellow Zox bandmembers [sic] Eli Miller.” (Opposition Nos. 91265525 and 91252817) Kuiper Decl., ¶ 23.

The Zox Company served its first set of discovery over six months ago. To date, approximately 192 documents have been produced most of which are publicly available and none of which demonstrate sales to consumers for the applied-for goods in either the '997 or the '839 Applications. Nor were any documents produced demonstrating a single sale of goods through Zazzle. Kuiper Decl., ¶¶ 22, 25.

On January 5, 2021, the Zox Company issued a subpoena to Zazzle. In response Zazzle produced the attached spreadsheet. The spreadsheet shows the sales of goods or lack thereof, through Zazzle. Kuiper Decl., ¶¶ 26-27, Exhibit 5.

A review of the spreadsheet indicates that no goods were sold through Zazzle as of the '997 Application filing date of March 28, 2016. And for the '839 Application with a filing date of December 13, 2018, it appears one of each of some of the goods was sold through Zazzle on December 31, 2020 - more than two years after the '839 Application was filed and more than 4 years after the '997 Application. *Id.*, ¶ 27.

On information and belief, in addition to not lawfully using the mark in commerce as represented to the Trademark Office and committing fraud, information online has been modified and manipulated in an attempt to improve John Zox and his brothers' legal position with regard to “use” of the mark ZOX. Kuiper Decl., ¶¶ 28-29.

For example, in Exhibit “6” of the Kuiper Declaration, John Zox provided the screenshot labeled “Figure A” in Opposition Proceeding (No. 91265525, Notice of Opp., ¶ 10) titled, “Fig. 2- The Zox Band website 2008-2020”. Paragraph 10 of the Notice states, “ZOX markets, promotes, and sells its

merchandise online at its website www.zoxband.com and www.zazzle.com, at shows/concerts, and via hundreds of online streaming music platforms. All feature the ZOX (Stylized) Mark and related ZOX Marks as shown by example of ZOX Band's website in Fig. 2." Kuiper Decl., ¶30, Exhibit 6.

As shown in "Figure B" of Exhibit 6, a review of the domain [zoxband.com](http://www.zoxband.com) via the Wayback Machine the archived page for November 16, 2017 does not display a post dated October 8, 2017 stating, "For news, updates, community chatter, and more, head to the Official ZOX Facebook Page <https://www.facebook.com/ZOX-6813512423/>". This means on November 16, 2017, there was no October 8, 2017 post. Kuiper Decl., ¶ 31, Exhibit 6.

Further according to the Wayback Machine as shown in "Figure C" of Exhibit 6, an archived page for January 18, 2020, does not display a post dated January 1, 2020 "New year's resolution: Add ZOX to my fave playlist! On information and belief, the Zox Band website was intentionally modified to make it appear some activity had occurred in the past several years. Kuiper Decl., ¶ 32, Exhibit 6.

In addition to the band's website being edited, the Wikipedia page referring to the music band Zox has also experienced a flurry of edits. In all of 2018 there were only three (3) edits. In 2020, there were over fifty (50) edits. For example, on October 3, 2020 the statement "Zox *was* a band from Providence Rhode Island" to "Zox *is* a band from Providence, Rhode Island and "Years Active" was changed from "2002-2009" to "2002-2009, 2010-Present". Attached as Exhibit "7" is an example of the revision, the revision history for the Wikipedia page, and a discussion regarding a person being banned from any further editing due to a conflict of interest. Kuiper Decl., ¶ 34, Exhibit 7.

On information and belief, in the last month John Zox has launched "new" clothing products identical to those of Plaintiff with a logo that is confusingly similar to the Zox Company. Kuiper Decl., ¶ 39.

On information and belief, to continue appearances, the Zox band "released" a new album on January 21, 2021. On further information and belief, the new album consists of two (2) unreleased old songs and seven (7) alternate versions of old songs (e.g. acoustic version). Attached as Exhibit 8 is an

article about the new album stating it was John Zox idea to release the album. On YouTube the album has 113 views. Kuiper Decl., ¶ 40, Exhibit 8.

III. TTAB PRECEDENT SUPPORTS APPLICANT'S POSITION

A. Motion to Dismiss Should Be Denied; Fraud Claim Should Proceed

A legally sufficient pleading of fraud in procuring a registration requires allegations that (1) applicant made a false representation to the USPTO; (2) the false representation is material to the registrability of the mark; (3) applicant had knowledge of the falsity of the representation; and (4) applicant made the representation with intent to deceive the USPTO. *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938, 1941 (Fed. Cir. 2009).

B. Motion to Dismiss Counterclaim Should Be Denied

A defense attacking the validity of any one or more of the registrations pleaded in the petition shall be a compulsory counterclaim if grounds for such counterclaim exist at the time when the answer is filed. 37 C.F.R. § 2.114(b)(3)(i). Federal Rule of Civil Procedure 13(a) provides in pertinent part:

A pleading shall state as a counterclaim any claim which at the time of serving the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction.

C. The TTAB Proceedings Should be Consolidated

When actions before the Board involve common questions of law and fact, the Board may consolidate the actions. Fed. R. Civ. P. 42(a)(2); TBMP § 511.

IV. APPLICANT'S ARGUMENT SUPPORTS THE FRAUD CLAIM AND CONSOLIDATION

A. The fraud claim must stand as Applicant has shown an intent to deceive.

Applying the appropriate pleading standard, Applicant has adequately pled its claim for fraud on the Trademark Office. *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938, 1941 (Fed. Cir. 2009). All

Applicant must do to survive a motion to dismiss is to plead sufficient facts that, that when taken as true, plausibly support a claim for relief. Discovery has not been conducted in the Cancellation Proceeding.

At this early stage, what the Zox Company has shown with facts is there is a *pattern of intentional, misleading and deceitful behavior* where information is being modified and contrived to represent “facts” that are untrue. Based on the above examples, how can one believe that the Registrants were selling cassette tapes in the year 2016? Further, what evidence was provided to the Trademark Office to show the Zox Brothers were offering for sale and selling, “...videocassette recorders, videocassette players, digital video or audio players, and film and video editing machines; computer software for film and video editing.” None. No specimens were provided for numerous goods and services for the '843 Registration.

There are heightened standards for specimens. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a). Here there is no doubt that the specimens filed do not show the ZOX mark in actual use in commerce. *See* Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a), (c); *see* TMEP §§904, 904.03(g), 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark ***as actually used in commerce for each international class of goods and services identified in the statement of use.*** 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a). The Trademark Office is trying to prevent falsified specimens from being used to obtain registrations. This is also the type of behavior the Office of Enrollment and Discipline is trying to prevent as it is able to investigate attorneys who file altered specimens.

While “a party must state with particularity the circumstances constituting fraud or mistake,” “[m]alice, intent, knowledge, and other conditions of a person’s mind may be alleged generally.” Fed. R. Civ. P. 9(b) (emphasis added); *Caymus*, 107 USPQ2d at 1522; *DaimlerChrysler Corp.*, 94 USPQ2d at 1088.

Here, Applicant or Petitioner has pled that: “Registrants knew the above-mentioned statements were false at the time they were made,” (Petition, ¶35); that, “Registrants continuously and knowingly

made such false statements in order to induce the U.S. Patent and Trademark Office to issue a certificate of registration,” (id. at ¶36); and that, “the U.S. Patent and Trademark Office would not have issued Reg. No. 5,268,843 for ZOX – or maintained such registration – but for knowingly fraudulent representations made by Registrants to the U.S. Patent and Trademark Office.” (Id. at ¶40.)

All of the facts above provide “sufficient underlying facts from which a court may reasonably infer that a party acted with the requisite state of mind.” *Zawod*, 109 USPQ2d at 1685-86 (intent may be averred generally). Thus, Applicant has adequately pled that Registrants intended to deceive and did deceive the Trademark Office. In addition to the allegations in the Petition to Cancel, an intent to deceive has been confirmed by:

- Fake online custom print specimens for the Class 25 goods;
- No specimens for most of the goods in Class 9;
- Intentional modifications to the Zox band website that have been submitted to the TTAB;
- and
- So many edits to Wikipedia that the “editor” was banned.

All of these acts did not happen by accident- they were intentional. If the Board grants John Zox’ request to dismiss the fraud claim, then it is reading the claims in a light most favorable to Registrants, not Applicant/Petitioner, in contravention of applicable law. It would also significantly prejudice Applicant who is unable to challenge a registration that should have never issued in the first place. Applicant should be afforded the opportunity to conduct additional discovery. In the alternative, Applicant will amend its counterclaim to allege all of the “new” facts above.

B. The Zox Company had a legal obligation to file the Counterclaim.

The Zox Company had a legal obligation to file its Counterclaim. Under 37 C.F.R. § 2.114(b)(3)(i), “A defense attacking the validity of any one or more of the registrations pleaded in the petition shall be a compulsory counterclaim if grounds for such counterclaim exist at the time when the

answer if filed.” Contrary, to Opposer’s contention the Zox Company was not trying to hide anything from the Board.

In fact, on November 23, 2020, the Zox Company served all counsel for the primary Cancellation Proceeding (No. 92074323), including counsel that are not involved in the present opposition proceeding. The statute continues in pertinent part, “A counterclaim *need* not be filed if it is the subject of another proceeding between the same parties or anyone in privity therewith.” *Id.* Opposer is inappropriately fabricating a legal standard that does not exist. The phrase “*should not be filed*” appears nowhere in this section. The Zox Company submits it prefers to cautiously plead than have unpled issues.

Opposer’s Motion to Dismiss the Counterclaim and the fraud claim for that matter, is disguised as a motion to strike which is disfavored by the Board. Under TBMP § 506.01 begins similarly to Fed. R. Civ. P. 12(f) governing motion to strike but goes on to state: Motions to strike are not favored, and matter usually will not be stricken unless it clearly has no bearing upon the issues in the case.

The primary purpose of pleadings, under the Federal Rules of Civil Procedure, is to give fair notice of the claims or defenses asserted. In this regard, it has been noted that. “. . . matter will not be stricken from a pleading unless it is clear that it can have no possible bearing upon the subject matter of the litigation . . . Even if the allegations are redundant or immaterial, they need not be stricken if their presence in the pleading cannot prejudice the adverse party. If evidentiary facts are pleaded, and they aid in giving a full understanding of the complaint as a whole they need not be stricken.” *Harsco Corp. v. Elec. Scis., Inc.*, 1988 TTAB LEXIS 46, 9 U.S.P.Q.2D (BNA) 1570 (Trademark Trial & App. Bd. August 17, 1988) citing 2A Moore’s Federal Practice, Section 12.21[2] (2nd ed. 1985). Opposer will not be prejudiced by allowing the Counterclaim to remain. This motion was filed as a dilatory tactic intended to harass the Zox Company. “Motions to strike a defense as insufficient are not favored by the federal courts because of their somewhat dilatory and often harassing character.” Wright & Miller, Federal Practice and Procedure: Civil 3d § 1381, pp. 421-425; see also *Quintana v. Baca*, 233 F.R.D. 562, 564 (C.D. Cal. 2005) (“Motions to strike are generally regarded with disfavor because of the limited importance of pleading in federal practice, and because they are often used as a delaying tactic.”) *U.S. v.*

Iron Mountain Mines, Inc., 812 F. Supp. 1528, 1535 (E.D. Cal. 1992). This filing is consistent with John Zox' unwillingness to prove his contentions and to repeatedly delay these proceedings.

Concurrent with this filing, the Zox Company has filed a Notice with the Board in the Petition to Cancel in the primary proceeding, Petition to Cancel No. 92074323 regarding its Counterclaim and Request for Consolidation.

C. All of the "ZOX" TTAB Proceedings Should be Consolidated.

When actions before the Board involve common questions of law and fact, the Board may consolidate the actions. Fed. R. Civ. P. 42(a)(2); TBMP § 511. The Board weighs several factors in deciding to consolidate proceedings, including the savings of time, effort, and expense, and any prejudice or inconvenience that may result. *Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889, 1893 (TTAB 2010), *Regatta Sport Ltd. V. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Big Corp.*, 18 USPQ2d 1382 (TTAB 1991); *Bigfoot 4x4 Inc. v. Bear Foot Inc.*, 5 USPQ2d 1444 (TTAB 1987). The Board may also consider whether the parties in each action are identical, but identity of parties is not necessary. *New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011). In each Proceeding, the questions before the Board involve the same issues and the same people.

John Zox is using the same '843 Registration and alleged common law rights in an attempt to oppose or cancel *all* of the Zox Company's registrations and applications. Regardless of whether John Zox is appearing individually or with his brothers, as ZOXWERX, ZOX MUSIC, or ZOX EVENTS they are all ultimately the same rights being asserted against the Zox Company. Essentially, the same Zazzle specimens and alleged claims of use were filed for both the '843 Registration and the '839 Application. See Kuiper Exhibit 3 and 4. What remains to be decided is, does the Zox band have any trademark rights in and to the mark ZOX? If so, in connection with what goods and services? Do the Zox Brothers have trademark rights to the word ZOX, and if so for what? What are the Zox Company's rights in the ZOX mark? Then the priority and likelihood of confusion analysis can be applied. As detailed above, all of these questions involve the same set of facts and fraud. The parties are nearly identical. John Zox himself co-mingled these issues. He cannot undone the co-mingling and he cannot have it both ways. He

uses the jointly owned '843 Registration against the Zox Company in every proceeding yet wants to remain an "individual" when it is not convenient for him. Notice of Opposition, ¶¶ 5-6 and Notice of Opp. Exhibit A, Kuiper Decl., ¶ 23.

By not consolidating these proceedings it is an enormous expense to the Board and the parties. The pleadings are redundant, the motions and oppositions are redundant, the Boards rulings are redundant and the discovery will be redundant. There will be no prejudice to any party by consolidating. Consolidation will save the parties and the Board considerable time, effort and expense.

V. CONCLUSION

Applicant the Zox Company has pled the facts and circumstances of fraud on the Trademark Office with sufficient particularity, Registrants' intent to deceive and how Opposer perpetrates fraud on the Trademark Office and the TTAB as allowed under Rule 9(b) and case law.

For all of the above reasons, Applicant respectfully requests that the Board deny in full Opposer's motion and if suspension due to the pending Action is not granted, consolidate all of the TTAB proceedings. To the extent the motion to dismiss is granted, Applicant respectfully requests that the Board grant it leave to file an amended petition to cancel.

Dated: March 17, 2021

Respectfully submitted,
CISLO & THOMAS LLP

/Katherine M. Bond/

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing:

APPLICANT'S COMBINED OPPOSITION TO OPPOSER'S
MOTION TO DISMISS (I) FRAUD CLAIM, (II) CONTERCLAIM
AND (III) APPLICANT'S REQUEST TO CONSOLIDATE

has been served on Opposer and Registrant's counsel on March 17, 2021 via email:

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Dated: March 17, 2021

/Katherine M. Bond/
Katherine M. Bond , Esq.

EXHIBIT 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND
APPEAL BOARD**

JOHN ZOX, an individual	Trademark: ZOXLIST
Opposer,	
	Serial No.: 88/582,432
v.	
ZOX LLC.	Opposition No.: 91265309
Applicant.	

**DECLARATION OF JASON KUIPERS IN SUPPORT OF APPLICANT’S OPPOSITION TO
OPPOSER’S MOTION TO DISMISS AND APPLICANT’S REQUEST FOR CONSOLIDATION**

I, Jason Kuipers, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of twenty-one and have never been convicted of a felony.
2. I am one of the founders and Chief Executive Officer for Applicant, and as such, I am personally familiar with the facts set forth below and, if called as a witness and properly sworn, could and would testify to them from my own personal knowledge, except as where stated on information and belief and, as to those facts I believe them to be true. In my position I am knowledgeable about the Zox Company’s trademarks, the manufacturing and distribution of consumer goods and the sales and marketing of these goods, and the actions of John Zox, Andrew Zox and Daniel Zox. I make this declaration in support of Applicant, including its Opposition to Opposer’s Motion to Dismiss and Motion to Suspend and Applicant’s Request for Consolidation of multiple pending TTAB proceedings.

The Zox Company

3. Zox LLC, its predecessors-in-interest and related entities including House of Kuipers LLC and Zox Straps LLC (the “Zox Company”), was founded in 2011 in Arizona based on my idea to create bracelets or straps to wear as a fashion accessory. With the help of my mother’s sewing, and my two brothers, we started the Zox Company.
4. Through dedication and countless hours of hard work, our business prospered over the last decade by creating an extremely successful company that is engaged in, among other things, the production, sale and international distribution of consumer goods or retail products. The company’s website can be seen at <https://zox.la/>.
5. Today, the Zox Company still offers a variety of bracelets. Generally, the bracelets are accompanied by a “feel good” or inspirational message. This, coupled with the one of a kind, limited edition features of the bracelets has created a faithful following of fans where people collect and trade “Zox” bracelets worldwide.
6. In addition to the bracelets, the company offers goods such as, keychains, clothing, and bags. Examples of some of the bracelets are shown below.



7. We always understood the importance of giving back. Thus, from the company’s inception we have had a charitable component to our business. For every order on our website, the Zox Company makes a donation to the Thirst Project, a foundation which provides clean water to

those in need. We also create special edition releases to raise additional donations for other worthy causes. In 2020 alone, we donated nearly half a million dollars to important causes around the world with another \$145,400 worth of in-kind donations as well. This is all documented with receipts on our website as well: <https://blog.zox.la/2020-a-year-of-giving/>.

8. The Zox Company owns several trademarks including U.S. Trademark Registration No. 4,412,948 for the mark ZOX STRAPS for use in connection with elastic fabric wristbands in the nature of a bracelet which issued on October 8, 2013 with a first use in commerce date at least as early as September 15, 2011.
9. The company also owns the “ZOX” U.S. registrations listed in the table below.

Mark	Registration No.	Goods/ Services	First Use in Commerce Date
ZOX	4465691	Class 14: Wristbands in the nature of a bracelet. Class 25: Wristbands; shirts	Class 14: 09/15/2011 Class 25: 09/15/2011
ZOXBOX	4759961	Class 25: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Wristbands.	May 30, 2012
ZOX	5233845	Class 18: Backpacks. Class 35: On-line retail and wholesale store services featuring clothing apparel, wristbands, bags and accesso	Class 18: 10/31/2016 Class 35: 08/00 2011

10. In April of 2013, the Zox Company acquired via assignment U.S. Registration No. 2992108 and all of the rights and goodwill associated with the mark for a ZOX design mark for use in connection with clothing which issued on September 6, 2005 with a first use in commerce date of October 1, 1992.
11. In addition to the registrations listed above, the company owns eight (8) additional “ZOX” trademark applications in the United States and numerous applications and registrations

internationally. All of the Zox Company's "ZOX" trademarks are hereinafter collectively referred to as the "Zox Company Mark".

John Zox, the Band Zox, and the Zox Brothers

12. If one conducts an Internet search, John Zox was part of a music band called the "Zox" band in the early 2000's. According to several Internet articles interviewing the band members, the band broke up in 2009, got back together briefly in 2011 and played a reunion show in 2014 at a quaint small venue (less than 2K person capacity) called Lupo's in Rhode Island, where the band was formed. Attached as **Exhibit "2"** are articles about the Zox band (the highlighting and arrows were added to indicate the relevant parts).
13. According to their websites, John Zox's brothers Andrew Zox and Daniel Zox produce photography and short films. See <https://andrewzox.com/> and <https://www.danielzox.com/>. Collectively John Zox, Andrew Zox and Daniel Zox are referred to as the "Zox Brothers".
14. At some time, John Zox became aware of the Zox Company and its success. The response to the Zox Company's Interrogatory No. 1 for Opp. No. 91252817, states in pertinent part, "At least once a month for the past 10 years, one of the ZOX Band members receives a text or email from a friend or fan pointing out an ad that that person received on Facebook or Google for Opposer's "zox straps" or "zox wristbands" products. Yet, the Zox Company never heard from John Zox until 2016.
15. The Trademark Office records indicate that on March 28, 2016, the Zox Brothers filed U.S. Application Serial No. 86/954,997 (the '997 Application) for the standard character word mark "ZOX" for use in connection with goods in classes 9, 25 and 41. Of particular importance is the Class 25 goods and the specimens filed which claimed a first use in commerce date of February 6, 2009. The specimens consisted of images of products that could be purchased through the online print store Zazzle®. The Class 25 goods were refused registration in light of Registration No. 4465691, owned by the Zox Company. Attached as **Exhibit "3"** are representative samples of the Class 25 specimens that were filed with the '997 Application.

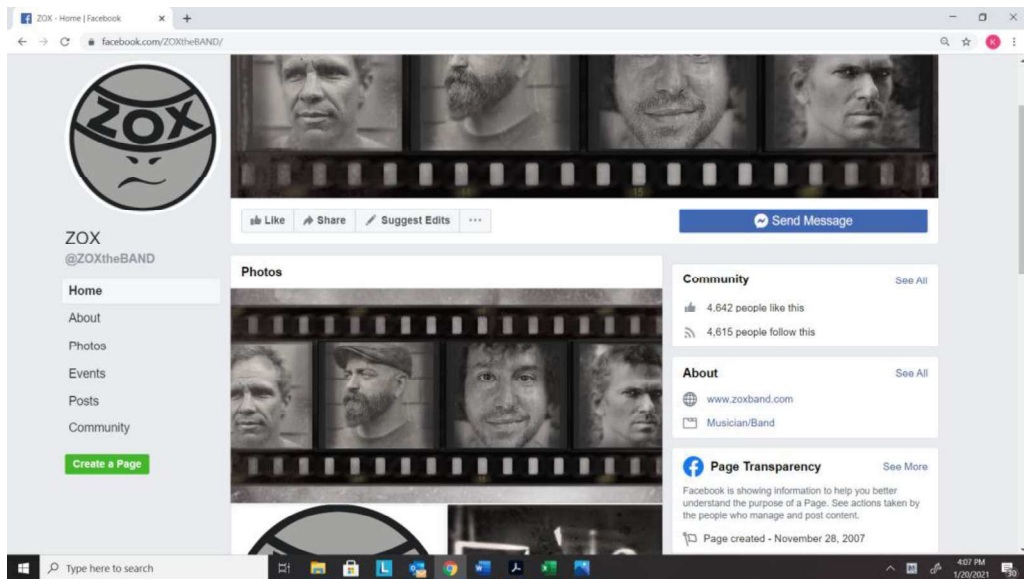
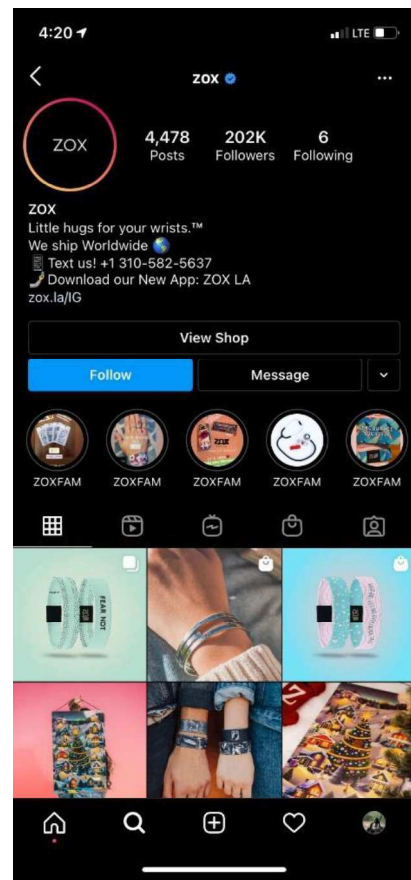
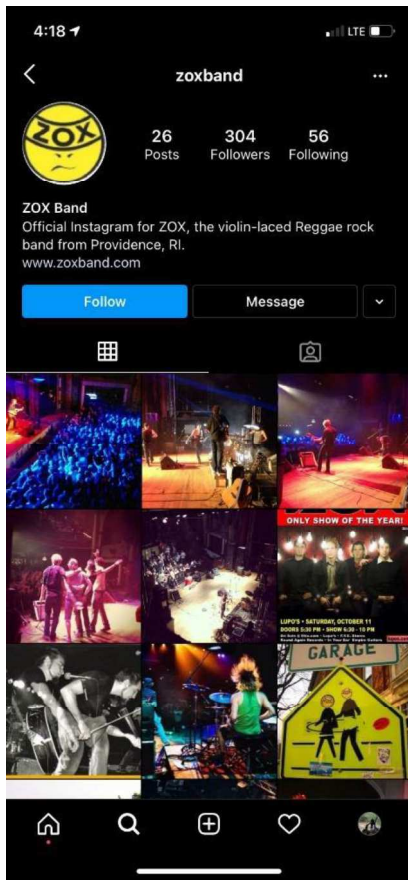
16. The Class 25 goods were concerning because they were identical or closely related to goods the Zox company was selling. It is my belief, the Class 25 goods were included in the '997 Application to make it appear as though the Zox Brothers and the music band Zox had been selling merchandise in the form of clothing and other retail items under the trademark "ZOX".
17. On or about September 2, 2016, John Zox contacted me via telephone. He was requesting a consent to register or coexistence agreement so that he could use the mark "Zox" and obtain a trademark registration. He explained that he was in a band called "Zox" that had performed in the early 2000s and wanted to offer old fans some shirts with their logo on it. At the time, John Zox made it seem as though all he wanted to do was sell shirts with his old band's logo on it – something that would have been decorative in nature. John Zox did not file anything with the TTAB for over two years following that conversation, nor did he reach out to me in any way.
18. The '997 Application eventually issued as Registration No. 5,268,843 (the '843 Registration) on August 22, 2017 without Class 25.
19. The Zox Company became aware that on December 18, 2018, John Zox had filed a new trademark application, serial no. 88/228,839 attempting to register the mark "ZOX" in connection with several consumer retail goods from gift cards to stickers, and non-metal identification bracelets to textile materials, bags and string. We noted he was alleging a first use in commerce date for each class of goods which ranged between 2004 to 2007 and the specimens he submitted to the Trademark Office, were images of goods that could be purchased through Zazzle or other custom, made to order sites. In fact, in some circumstances, as we later discovered, John Zox appears to have taken images from other sites, used Photoshop or another type of photo manipulation software, and edited photos of other company's products to include his logos – items which I believe he has never made in the first place. Attached as **Exhibit "4"** are representative examples of the Class 25 specimens filed to allege use of the mark in commerce in connection with the applied-for goods and example "replications" of the specimens made using the Internet.

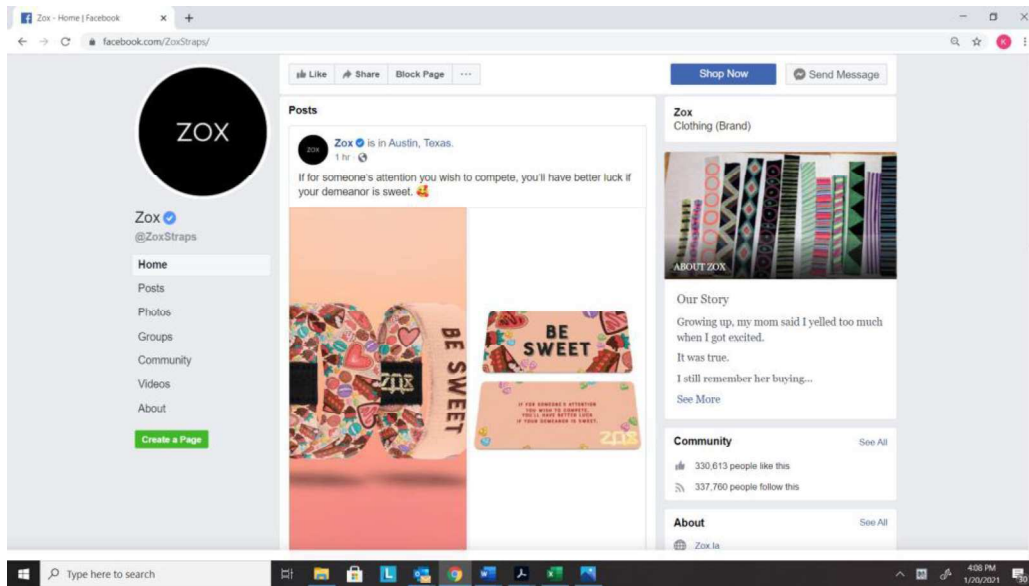
20. This was very concerning to the Zox Company as it did not appear from the specimens that John Zox had or was actually using the term ZOX as a trademark and was not selling the applied-for goods through Zazzle.
21. In order to protect its business, the Zox Company was left with no choice but to Oppose the '839 Application. Filing the opposition resulted in a cascade of filings at the TTAB.
22. On or about, July 21, 2020, the Zox Company served its First Set of Requests for Production and Interrogatories for Opposition No. 91252817.
23. In discovery, Defendant John Zox claims he owns rights in and to the "ZOX marks" either individually, as co-applicant with his brothers Andrew Zox and Daniel Zox and/or with fellow Zox bandmembers Eli Miller (Opposition Nos. 91265525 and 91252817).
24. John Zox further claimed in Opposition No. 91265309 that he owns the rights in a "partnership" called "Zox Music". John Zox also contends in his discovery responses that he is a member of the band and operates or is affiliated with several businesses namely, "...ZOX or ZOX MUSIC, [which] is managed by [John Zox'] company ZOXWERX LLC, is booked by [John Zox'] company ZOX EVENTS, and is distributed by [John Zox'] label ARMO RECORDS.
25. For document production, it is my understanding that approximately 192 documents have been produced, most of which are publicly available documents and none of which demonstrate sales to consumers for the applied-for goods in either the '997 or the '839 Applications. Nor were any documents produced demonstrating a single sale of a good through Zazzle.
26. On January 5, 2021, the Zox Company issued a subpoena to Zazzle. In response Zazzle produced the attached spreadsheet. The spreadsheet shows the sales of goods through Zazzle. A copy of the Zazzle subpoena without some pages and Exhibit 1 to the subpoena due to size limitations and Zazzle's response is attached as **Exhibit "5"**.
27. A review of the spreadsheet shows no goods were sold through Zazzle as of the '997 Application filing date of March 28, 2016. And for the '839 Application with a filing date of December 13,

- 2018, it appears one of each good was sold through Zazzle on December 31, 2020 - more than two years after the '839 Application was filed and more than 4 years after the '997 Application
28. In addition to not selling the applied-for goods during the pendency of the various TTAB proceedings, myself and others from the Zox Company started to notice content on the Internet regarding the band Zox, John Zox and the Zox Brothers was changing.
29. On information and belief, John Zox was modifying and manipulating information online to in an attempt to improve the Zox Brothers' legal position with regard to "use" of the mark ZOX.
30. For example, John Zox provided the screenshot labeled "Figure A" in the attached **Exhibit "6"** in Opposition Proceeding No. 91265525, Notice of Opp., ¶10 titled, "*Fig. 2- The Zox Band website 2008-2020*". Paragraph 10 of the Notice states, "ZOX markets, promotes, and sells its merchandise online at its website www.zoxband.com and www.zazzle.com, at shows/concerts, and via hundreds of online streaming music platforms. All feature the ZOX (Stylized) Mark and related ZOX Marks as shown by example of ZOX Band's website in Fig. 2."
31. As shown in Figure B of Exhibit 6, a review of the domain zoxband.com via the Wayback Machine the archive page for November 16, 2017, does not display a post dated October 8, 2017 stating, "For news, updates, community chatter, and more, head to the Official ZOX Facebook Page <https://www.facebook.com/ZOX-6813512423/>". This means even on November 16, 2017 there was no Oct. 8th 2017 post.
32. Further according to the Wayback Machine as shown in Figure C of Exhibit 6, an archived page for January 18, 2020, does not display a post dated January 1, 2020 "New year's resolution: Add ZOX to my fave playlist!"
33. It is my belief John. Zox had modified the Zox Band website after the TTAB proceedings began to make it appear some activity had occurred in the past years.
34. In addition to the band's website being edited, the Wikipedia page referring to the music band Zox has also experienced a flurry of edits by John Zox or someone closely related to John Zox. In all of 2018 there were only three (3) edits. In 2020, there were over fifty (50) edits. For

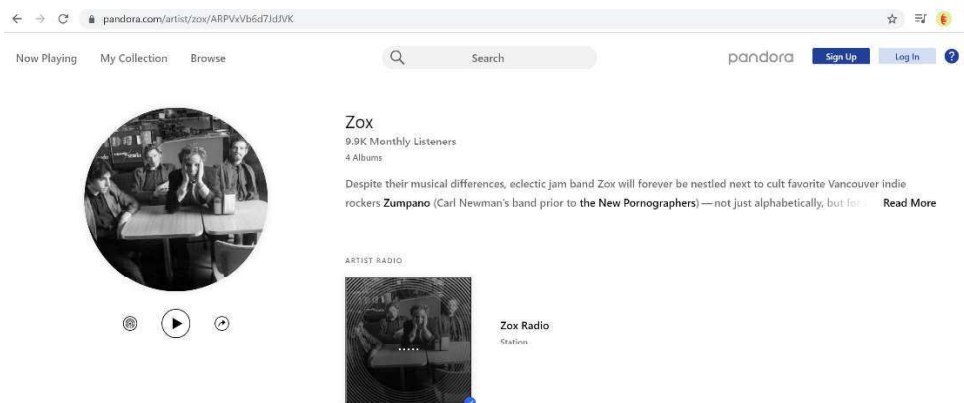
example, on October 3, 2020 the statement “Zox *was* a band from Providence Rhode Island” to “Zox *is* a band from Providence, Rhode Island. Additionally, there was also an edit in 2020, that changed “years active” from “2002-2009” to “2002-2009, 2010-Present” Attached as **Exhibit “7”** is the revision examples, the revision history for the Wikipedia page and a Wikipedia discussion regarding the conflict of interest edits and a person being banned from making edits. The October 3, 2020 Wikipedia edits were made by IP address “71.244.117.58” which is located within a 5 minute drive of John Zox’ Slingerland, New York home. Other edits were made by a user named “Accurate Sea.” In reviewing Accurate Sea’s public “talk page” on Wikipedia (a public message board every user on Wikipedia gets in order to insure validity of information), we can see that Accurate Sea was warned about being caught making edits without being logged in and his IP address (the one used above to make the dated changes) was shown instead of a username. Further, when another user challenged Accurate Sea’s facts on October 21, 2020, Accurate Sea indicates that he was in the ZOx band by saying “I was literally on stage...” Included in Exhibit “7” is the “talk page” history and proof of location of IP address “71.244.117.58.”

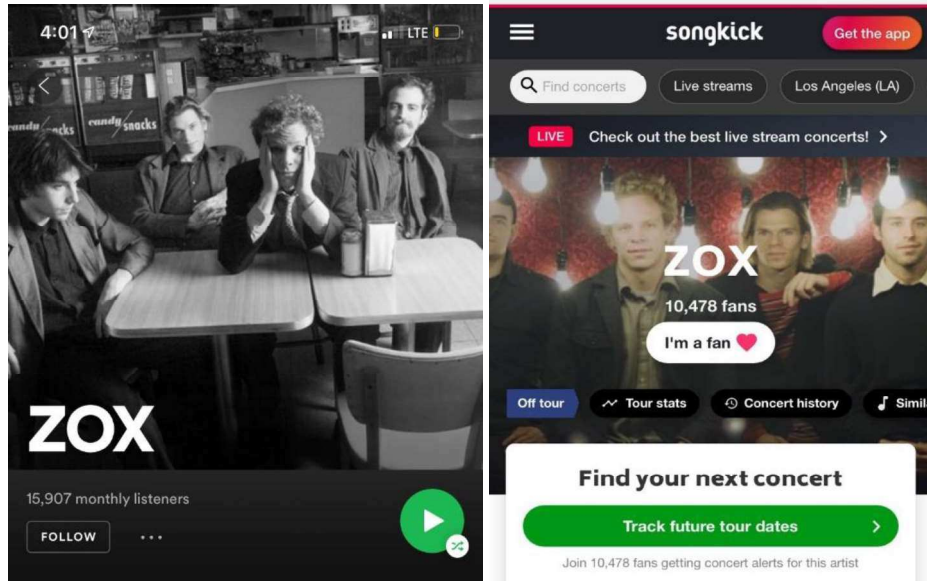
35. The Zox Company does not want to have any affiliation or association with John Zox, the Zox band, or the Zox brothers nor does it want consumers to be confused when they purchase a Zox Company product thinking it is related to John Zox, the band Zox or the Zox brothers.
36. Contrary to John Zox’ assertion, the Zox Company does not “need” to trade on the goodwill of John Zox, the band Zox or the Zox brothers assuming any exists. According to numerous streaming services and social media platforms the band Zox no longer has a fan following.
37. The Instagram account for the band Zox has approximately three hundred (300) followers as compared to the Zox Company that has two hundred thousand followers (200,000). On Facebook the band Zox has approximately four thousand (4,000) followers and the Zox Company has over three hundred thousand (300,000) followers.





38. The band has less than ten thousand (10,000) monthly listeners on Pandora, approximately ten thousand (10,000) listeners on Songkick and about sixteen thousand (16,000) on Spotify, these numbers represent global numbers.

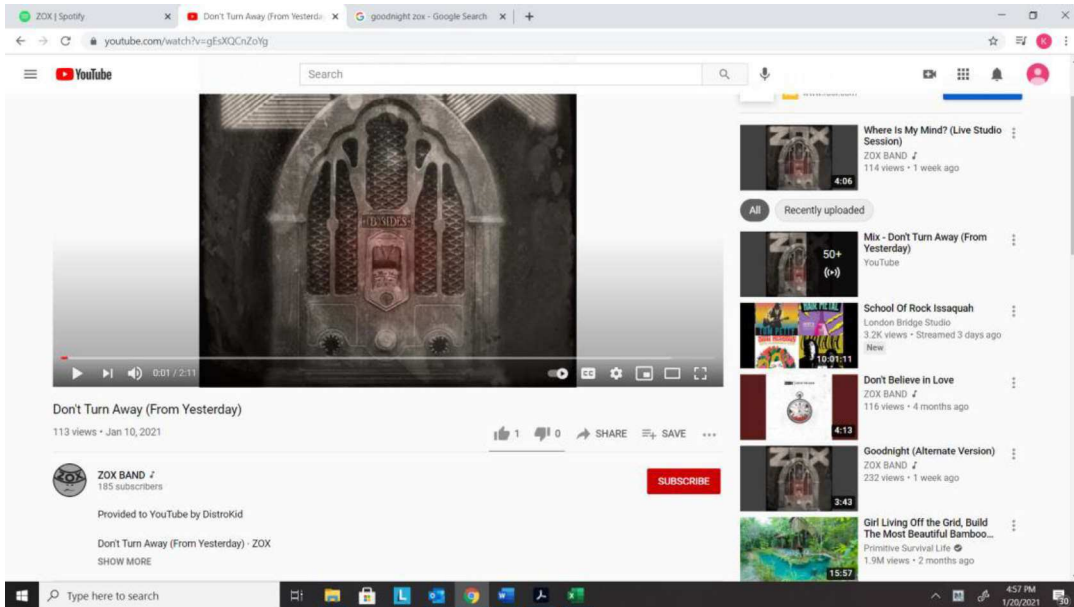




39. On information and belief, in the last month Defendants have launched “new” clothing products identical to those of Plaintiff with a logo confusingly similar to the Zox Company logo that is the subject of this proceeding.



40. To further the deceit, the Zox band “released” a new album on January 21, 2021. On information and belief, the new album consists of two (2) unreleased old songs and seven (7) alternate versions of old songs (e.g. acoustic) that were never release when the band was together. Attached as **Exhibit “8”** is an article about the album release which states in pertinent part, that John Zox had the idea to release the album. On YouTube the release has 113 views.



41. If John Zox is allowed to proceed with interfering with the Zox Company's business and trademarks it will cause serious harm to the Zox Company including, but not limited to, lost sales and goodwill, damage to its reputation as it has spent substantial time and resources investing in the company and its products.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this day of January 23, 2021

By: / Jason Kuipers /

Jason Kuipers

EXHIBIT 2

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Smart Bass Guitar

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The Dan Edinberg Interview: ZOX's Reunion Show, The Stepkids and More

July 15, 2014 by [Mike Emiliani](#)

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As long as I've been in Rhode Island, I've seen this sticker plastered on just about every stop sign, wall and loading dock door from Narragansett to Woonsocket:



and frankly, I didn't know what it meant for the first few years of being in the state while attended college.

I had always seen it around, but was never really compelled to check out what it meant or what it stood for. I just knew it was everywhere.

It was about as everywhere as this sticker was:

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It wasn't until a couple of friends and myself were rehearsing our band together and jamming out in our drummer's basement back in Connecticut do I then remember seeing that sticker plus a sticker of what I later found of was a sticker of Zox's second album, *The Wait*, on the wall of his basement.

That's what finally spurred the question: what is ZOX?



My friend told me Zox was a band – and a damn good one at that.

He went on to say that the band was made up four guys from Rhode Island, drummer John Zox, guitarist Eli Miller, bassist Dan Edinberg and violin player Spencer Swain and their style of music was somewhere between reggae rock, indie music and jam rock.

He loaned me his copy of *The Wait* to listen to which I took home that afternoon after practice and listened to that night. At first listen, I knew there was something special here. The recording sounded so full, rich and colorful. All the instruments were clear and came across very balanced and well mixed in the recording. The guitars were reminiscent of just about every Bob Marley or Burning Spear record that I had heard or owned, the drums – both the way they were recorded and the way they were played – reminded me of the way Bud Gaugh from Sublime played on all the band's albums and the violin was so sweet and silky, complimenting each track.

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Above all else: the bass was loud.

I later found out that the name of the band's **bassist was Dan Edinberg** but all I knew at the time was that I was really into the bass playing on that album and later the entire Zox catalog.

Moreover, as a budding bass player, having music that had loud, intricate, melodic bass playing that wasn't on a Weather Report album, a Rush album or a Yes album was a big thing to me. Who was this guy, I wondered.

Oh – and then there was the violin.

It wasn't until that album did I realize how good reggae could sound with a violin.

Even now when I go back and play 'Take Me Home', it still gets me how fantastic Swain's violin playing sounds in the mix and how well it compliments the rest of the band at the song as a whole.

That was my first encounter with the band Zox, a band that I'm glad I love as much as I do and really marvel at the fact that not many people do know about them – even here in Rhode Island.

Now, fast forward to a few weeks ago to when I was getting settled back in Rhode Island after a stint in North Carolina for work and volunteer service and wanted to see what acts were playing around Lupos Heartbreak Hotel and The Met in Providence and Pawtucket respectfully.

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Zox was coming back for one show? And for only 15 dollars!?

Needless to say, I bought my ticket right away and called my friends – also Zox fans – about the show and they promptly purchased their tickets as well.

Since that time my friend loaned me his copy of *The Wait*, Zox bassist Dan Edinberg was always one of those bassists that I wish I had the chance to see live.

Since the band's break up in 2009, I had always wondered what it would have been like to see this band live and hear Dan's playing in person.

The band's three studio recordings, *Take Me Home*, *The Wait* and *Line in the Sand*, were produced so well that any one can hear Dan's bass come through the mix in full, punchy force that to have heard these bass lines performed live would have been just as much a treat for the fan of the band's music as would be for any fan of good bass playing.

While Zox did break up in 2009 and the other three members pursued other musical endeavors, Dan began a new project called [The Stepkids](#), a psychedelic, funky electronic project with drummer **Tim Walsh** and guitarist **Jeff Gitelman**.

The band since 2009 has signed to Stones Throw Records in California and released one self titled full length album in 2011 and as of a few days ago (it will be a 'few days ago' when the story drops) released an EP called *Wanderers*.

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- - -

ME: When did you first start playing bass? How did you first get into the instrument? Who were some of your early influences and motivators for getting started with the instrument?

DE: I first started playing bass when I was 14, in 1994. I went into a music store and figured out how to play “About A Girl” by Nirvana. I studied piano and violin from ages 8-14 so picking up bass wasn’t much of a stretch from there.

My father is a jazz pianist and my brother is a saxophonist so I wanted to play bass to have a trio with them.

Plus when I saw the video for Queen’s “Bohemian Rhapsody” and saw that one of the guys was playing his guitar with two fingers that struck me as odd but also as a new way I could play my violin in the middle of orchestra class.

My biggest early influence is unquestionably my first electric bass teacher, Steve Clarke of Bridgeport, CT.

I had never before been exposed to the advanced techniques of R+B, Gospel, funk, and jazz electric bass before and my 14-year-old mind was blown when he showed me **Marcus Miller, Jaco Pastorius, and James Jamerson.**

The biggest lesson for me by studying with him was that holding down a groove, no matter what instrument or style you play, is the most important thing.

ME: How has your playing evolved since you first started playing?

DE: I’ve always gone in phases – at any given moment I’m usually obsessed with some musician deeply and am trying to absorb his/her techniques.

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I was raised on jazz music by my father's record collection since I can remember so playing bass really got me back into my roots.

I started playing upright bass when I was 15 and then I spent the next 7 years obsessing over Jimmy Garrison, Paul Chambers, Ron Carter. When I was 23 I joined Zox, and that opened me back up to the great rock bassists: **John Paul Jones, Paul McCartney, Keith Richards (yes he is a great rock bass player who played on a substantial amount of Stones recordings), Phil Lesh.**

ME: What does your practice routine look like these days? How has it changed since you first started playing?

DE: "Practice" for me is a lifestyle and it has definitely changed over the course of my playing career.

I spent years practicing only electric bass, then years practicing only upright bass, and for the last few years I've been practicing being a producer every day – mixing and engineering records, practicing keyboard skills, practicing singing – but when I can I still run my scales on the upright daily and run through a jazz standard.

ME: First and foremost I have to ask: why just one show? What prompted yourself and the other ZOX members to get together for this show?

DE: We all were going to happen to be in Providence at the exact same time that weekend so we thought that this would be an unforgettable opportunity.

We haven't done a reunion show in 3 years – it is time!

We'd do more shows but everyone lives far apart from each other so making it happen schedule-wise is usually impossible in the first place (we are lucky enough that we were able to all commit to this one show...).

ME: I'm very curious to know more about the history of ZOX. How did you first meet John, Eli and Spencer? How did ZOX first become the ZOX fans all know?

DE: I met Eli in the first week of college at [Brown University](#) in 1998.

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So we jammed a little bit but he eventually went his separate way and founded Zox shortly after. John happened to live in his dorm (I believe) and they went through a bunch of incarnations but eventually they settled on the lineup of Eli, John, Spencer, and Eli Batalion on bass, who all recorded the album *Take Me Home*.

Eli (Batalion) is a very good friend of mine – we actually went on an Israel trip together in 1997.

By 2003 I had changed my musical perspective (something that continually happens to me) and had started producing tracks and writing songs, and finally understood how great pop music can be.

When Eli (Batalion) decided to leave Zox, I was a fan of the album *Take Me Home*, so I auditioned and the rest is history.

ME: What was the song writing process like for ZOX?



Pictured: Zox – Dan is on the far right

DE: Eli Miller is a fantastic songwriter – most of the time he would come to rehearsal with a song fully written and then we would deconstruct the chords and write parts together. Sometimes we would make vocal melody suggestions but usually the songs were complete – which is the sign of a great writer! For the album *Line In The Sand*, Eli and I co-wrote a few songs by him singing over beats I had already made (“Line In The Sand”, “Towards Los Angeles”), and I wrote a song myself (“Another Attack”).

ME: How do you remember rehearsals with ZOX?

DE: I’m sure the way any band members remembers rehearsals – they can be pretty emotional because everyone cares so much.

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Before we recorded *The Wait and Line in the Sand*, we would rehearse every day for 6 hours.

That of course can get tiring, frustrating, arguments can ensue, people might not even want to be there, but at the end of the day, the hard work pays off.

That's what I take away from it – the more work you put in, the more you struggle, the more you get out of it. Every time we would play a show I knew we were completely ready.

That's the best feeling you can have going into a performance or a recording.

ME: ZOX's tenure together seemed relatively short lived. You guys were together for 7 years and released 3 albums, all to mostly positive reviews, and the ZOX name seems to resonate so strongly with Rhode Island. What caused the breakup?

DE: Just us growing up! We had toured so much much for so long and it was time to stop the incessant touring. Personally we all love each other and there were no hard feelings.

We just felt like it was time to move on to other things in our own individual lives.

ME: What is the story behind the ZOX logo? Even these days, when I'm walking around Providence, Warwick or even the University of Rhode Island's campus, I still see the ZOX logo stickered on a wall or stop sign and it's definitely one of the most recognizable band logos I can think of.

DE: I wish I could recollect the name of the person who designed it – I love this logo.

Having a great, iconic logo is so hard to do.

That was one of the things that really impressed me with Zox before I even joined – how they had a keen sense of marketing themselves, which is something great musicians rarely do.

ME: What are some of your fondest memories as a member of ZOX? What was one of the most memorable gigs you ever played?

DE: My favorite shows were always the ones that you didn't expect to be great – playing random places in small town USA where out of nowhere a super-dedicated fanbase would show up and go wild.

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was always playing at Lupo's in Providence that sticks in my head as the highlights. Every one of those shows – there's no better feeling as a performing artist than hearing 2,000 people sing along to your songs.

ME: After ZOX, you went on to form the Stepkids with Tim Walsh and Jeff Gitelman and still seem to be active with the band. How did the Stepkids form? How does being part of the Stepkids it differ from your experiences playing with ZOX? How is it similar?

DE: Jeff and I had been playing music together since 1998.

We met in Connecticut as working jazz musicians and stayed in touch since then, always hoping to form a project. I was regularly going to Boston while in college to play jazz and RnB sessions with Jeff and other musicians from Berklee School of Music and New England Conservatory.

So far before I was in Zox, Jeff and I were scheming of how we could have a great band. Jeff went off to tour with Alicia Keys, Bobby Brown, and Lauren Hill (and a bunch of other great artists) while I was in Zox, and after Zox called it a quits in 2008, Jeff had also tired of only backing up other artists.

He wanted to do something different than modern R+B, and I wanted to do something different than modern indie-rock. He introduced me to Tim Walsh, who had a studio space, is a great engineer, and a great drummer/singer to boot.

So we formed The Stepkids, which existed to us in the stylistic sphere between modern R+B and lo-fi rock.

It felt like an all-star band in a way I'd never experienced before – everyone in the band produces, engineers, songwrites, sings, and plays every instrument.

We recorded 2 albums all on our own and those experiences made me the producer I am today.

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ME: How has your bass playing changed from ZOX to the Stepkids? Do you find yourself thinking differently about crafting solos and bass lines in the context of the Stepkids versus being part of ZOX?

DE: These are bands that play different styles of music, and I've always been a bassist who thought of myself as a chameleon who can play many different styles, so in both of those bands I'm trying to do the best job within the context of what the bass can or should do.

So with Zox I'm really trying to anchor down the song and play simple, catchy basslines.

With The Stepkids, because we are so funk- and jazz-influenced, I'm able to stretch out more on the bass, so in that sense I've in a way gone back to being that wide-eyed 14-year-old who bugged out when he first heard Jaco Pastorius.

ME: I had also heard that you recently were selected to be one of the judges for the WBRU rock hunt a few months ago. How did you get involved with that? How was the experience?

DE: My friend Michelle Marchetti was helping to select the judges, and she and I go way back – she helped tour manage Zox some back in the day and we've remained friends.

Being that Zox is a former Rock Hunt winner, and the fact that us winning the Rock Hunt really did set us up well to keep touring and eventually sign with SideOneDummy Records, I was honored to come full

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It is great how the judges take it very seriously – every band was listened to completely. I hope the bands got the pieces of paper with our written feedback, because I wrote a novel for each of them!

Filed Under: [Interviews](#)

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 Interview: John Zox of ZOX

INTERVIEW MUSIC

Interview: John Zox of ZOX

5 years ago

 826 Views  87 Votes

When I was in high school, my buddy had found this band that he would put on repeat throughout our weekend shenanigans. Eventually, he played them so much I got hooked on them too. **ZOX**, as they were called, provided slick and addictive tunes; see *Thirsty* and *A Little More Time*, to get us through the mundane high school world. Since these guys have been on hiatus for a while, I decided it would be worth it to check in and see if they were up for sharing some of their musical insights. Luckily, drummer John Zox answered my request and unveiled some of his musical wisdom.

ZOX became a real ambitious endeavor while opening for some musical legends. "The idea of being in a touring band was not on my radar until an experience late in my senior year of college, as senioritis was kicking in and the light at the end of the proverbial academic tunnel was beginning to glow brighter. In the span of two weeks in the spring, we were invited to open for Guster at UNH and Dispatch at Providence College, each show in front of 2000 people. When we sold out of our 100 CDs (yes, CDs) at each show, I remember thinking, 'hey, this could actually be something.'" For those of you who don't know, Guster is one of my favorite bands of all time. I am actually reviewing their Central Park show next week. To open for such epic bands as Guster and Dispatch must have really been something.

John told us about his most pleased work in Zox. "It's always a great sense of accomplishment when an album gets completed, perhaps even a bit more so than playing a successful show. Shows are fun, but they are fleeting, ... representative of only a singular raucous moment in time. Albums, on the other hand, last an eternity, and represent a body of creative work that might

date back years. In that light, the second album, "The Wait," is probably my proudest accomplishment — our first professional recording, with honed, radio-ready songs, that everyone was saying would lead to a record deal. (It did!)"

Their ideal performance was simple and sweet. "Being in a band that started out as a extracurricular hobby, I remember early on my performance dreams were simple: to play the big venues in my hometown. When we finally played Lupo's, in Providence, RI, opening for our friends Badfish (Sublime tribute), it felt perfect: huge sold-out hometown crowd, big sound system, free beer, gigantic stage...we made it! We even did an encore (a MAJOR no-no if you're an opening band) and got yelled at by the stage manager. Sublime times, indeed. Ironically, the most difficult performance was also at Lupo's in Providence. Imagine this: New Year's Eve, middle act [and] opening for Mighty Mighty Bosstones. The show was sold out, so none of our fans had gotten a chance to buy tix, and most people in the audience didn't know there'd even be a middle act. Further, the Bosstones fans hadn't seen them in 10 years — it was their big reunion show. In short, no one wants to see us play, and the audience got a bit unruly — one even threw a bottle onstage. I think we cut the set short and exited stage right, tails between our legs." Glad they survived in one piece!

John provided his understanding on the music scene both past and present. "It's a tough biz, that's for sure, and much tougher than when we started 10 years ago. I remember in 2003 we'd play a show in front of 50 people and sell 50 CDs at \$10 a pop, easily covering our room and board for the night. Fast-forward to 2009, and I remember playing in front of 2,000 people, and selling at most 1 CD. ~~Times changed pretty quickly. Besides the changing economics~~ of the biz, I do think that the basics of the art form are the same: hone your craft, find your voice, and play out as much as possible. If you have a unique voice, it'll resonate with people, and rise to the top." It is possible to find success in this business. All it requires is hard work and dedication as John mentioned.

The band has since explored and has ventured into new realms with each individual seeking his own path. "It's been over 5 years since ZOX stopped writing, recording, and touring. The members have gone on to careers in law, design, music and management. For example, a few years ago, I channeled my creativity into plate ware design of all things, patenting a concept and growing it into a small cottage industry: www.holdaplate.com. Interestingly, product design is very similar to songwriting/arranging...but that's a discussion for an entirely different interview altogether."

John has plenty of artists who help keep him inspired as he progresses in his

John has plenty of artists who help keep him inspired as he progresses in his career. "Everyday I seek out and am inspired by new things, people and places. With Spotify, for example, I could listen to 10 albums in a day while at work, and one nugget of a song in that mix could become my favorite for the next year. (Last night, for example, I found these songs called *Manhattan* by Gallant and another called *Spain* by Blonde Redhead... both which I really liked). Life is too short to 'not' be receptive to these sorts of daily discoveries. I'm also doing a lot of work in SoHo (NYC) lately, and the fashion I see in the store windows is amazing. Inspiration can come from any medium, of course."

"Musically, the band, unfortunately, has no plans to record anytime soon. We'll probably do a reunion show sometime in the next few years, and if I had my druthers, finally have some of our old tour video footage edited into a documentary. Secretly I also sort of want to join a wedding band – just 'cuz it'd be sort of fun to play covers all night long to an inebriated dancing crowd." I will make a deal with you John, at my wedding someday; we could make that a reality. Take a listen folks and I think you will share my sentiment.

Jam On.

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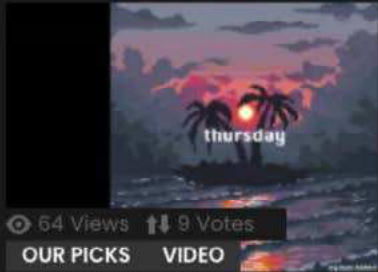




Written by **Myles Hunt**

Music fan, simple and sweet.

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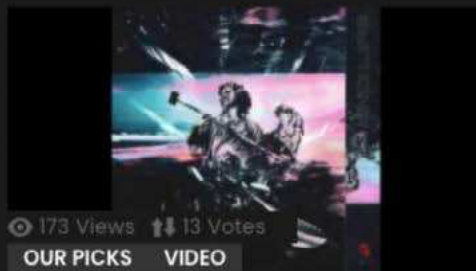


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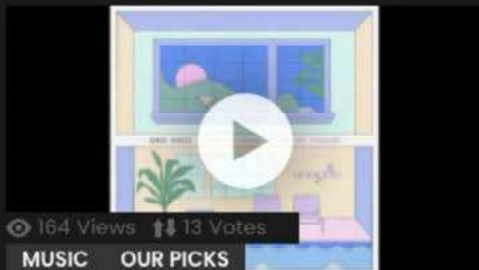


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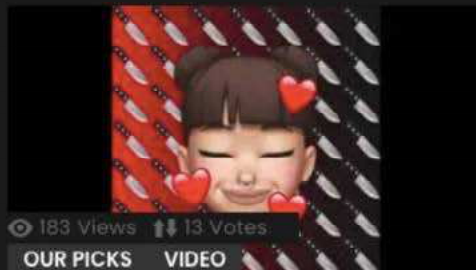


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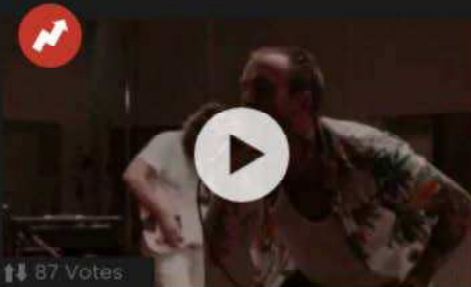


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zox classic round sticker

★★★★★ 4.7 (4538)

\$4.95
per sheet of 20

Qty: 1 sheet of 20

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Shape
Classic Round Sticker



Details



Size
Small, 1½ inch (sheet of 20)

More (2)



Finish
Glossy

XYZ SPECIMEN: CLASS 16

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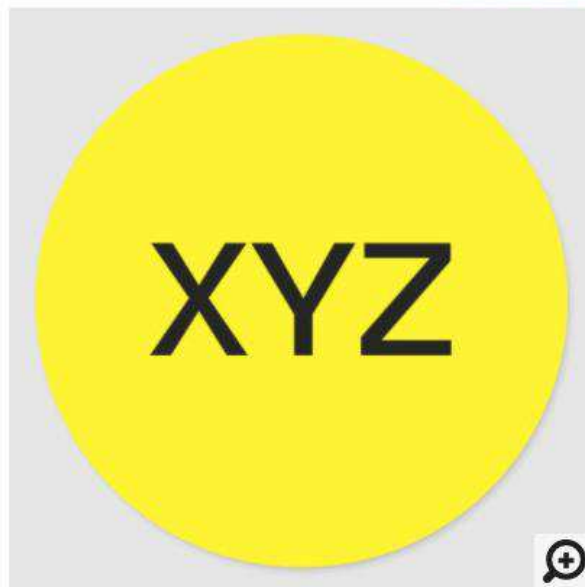
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Shape
Classic Round Sticker



Details



Size
Small, 1½ inch (sheet of 20)

More (2)



Finish
Glossy



Get your order Nov 20 by 9pm with
Shipping options

Ship

JOHN ZOX SPECIMEN: CLASS 20

Custom 3/4" Tyvek® Wristbands

Production: 1 Business Day

Style shown: Neon Yellow



Edit Design

500 pack count

100 pack count

Neon Colors



Neon Blue

0



Neon Green

0



Neon Orange

0



Neon Pink

0



Neon Red

0



Neon Yellow

0



Price: 1-19 \$15.90
20+ \$13.90

In Stock

Shipping: Will ship by Thursday, Jan 12th

FREE SHIPPING on Orders over \$100! (Contiguous US orders only)

Packs of 500: 0
Packs of 100: 0
Tyvek Setup: \$45.00
Total Price: \$45.00

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XYZ SPECIMEN: CLASS 20

Custom 3/4" Tyvek® Wristbands

Production: 1 Business Day

No Imprint Fees! 100 Wristband Minimum. 1 Day Production. Black imprint.

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★★★★★ 78 reviews

Neon Colors



Neon Green

0



Neon Red

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100



Neon Blue

0



Neon Orange

0



Neon Pink

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Packs of	Price
100-199	\$0.29
200-299	\$0.22
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JOHN ZOX SPECIMEN: CLASS 22

ZOX Gift Bag

4.9 (113)

Front

Angled



\$10.65

per gift bag

Qty:

1

gift bag

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Customize

Size

Medium

More (4)

Finish

Matte

More (2)

XYZ SPECIMEN: CLASS 22

XYZ Gift Bag

★★★★★ 4.9 (592)

\$9.50
per gift bag

Qty: 1

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Arrives by Nov 30 with Express
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JOHN ZOX SPECIMEN: CLASS 22

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Personalized Double Braid Nylon Dock Lines
3/8" x 10-ft

Color: Gold
Custom Message: ZOX
Font Style: Block

Quantity

-	1	+
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Item Price	Line Price
\$ 15.99	\$ 15.99

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Special instructions...

Subtotal: \$ 15.99

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**Personalized Double Braid
Nylon Dock Lines**
3/8" x 10-ft

Color: Royal
Custom Message: xyz
Font Style: Block

Quantity

-

1

+

Item Price	Line Price
\$ 18.49	\$ 18.49

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JOHN ZOX SPECIMEN: CLASS 22

CINCH STRAPS → 1.5 Inch Cinch Straps → 5314-Y3

Help

Total: \$0.00 Cart



PRODUCT MODEL: 5314-Y3
DESCRIPTION: 1.5 Inch Cinch-Strap Endless Loop Tie Down, CS15-1M Zinc Diecast Cam Buckle, Endless Loop (No Hooks), Total Strap Length 3 Ft (36 Inches), CW15-Y4PE Yellow Polyester Tie-down Webbing, Assembled in the USA.

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ZOX

Prices:
Qty 1-9 = \$8.09 | Qty 10-49 = \$7.48 | Qty 50+ = \$6.93

XYZ SPECIMEN: CLASS 22

Help

Total: \$0.00 Cart

1M Cinch Cam Buckle

Angle Cut

TAG

4M Polyester Webbing

PRODUCT MODEL: 5314-Y3
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XYZ

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Fat Quarter

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Yard 

Quantity: 

1 yard 

[Customize it!](#) [Add to Cart](#)

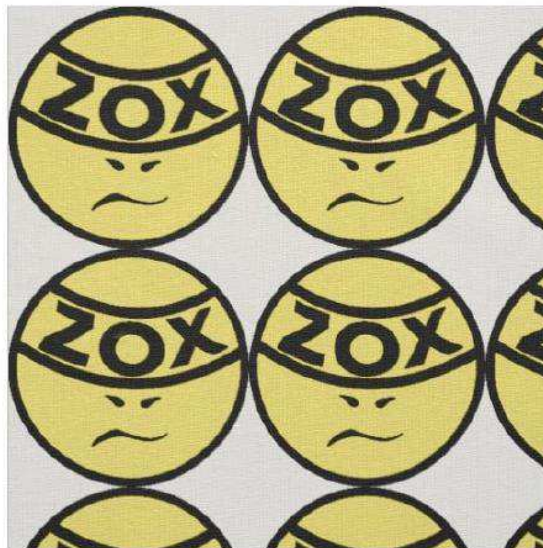
 Custom made within 9-14 days. When will I get it?

 Like [Add to](#)

50% Off Mugs, Ornaments, Stockings & More [Shop Now >](#) Use Code:
BESTZAZGIFTS *details

JOHN ZOX SPECIMEN: CLASS 24

Share



view larger



zox linen fabric

\$72.10 per yard ★★★★★ 4.8 (39)

 Artwork designed by
ZOX_BAND_OFFICIAL
View their Store

Fabric: [fabric guide](#) 

Ivory Linen (54" width) 

Size: [size chart](#) 

Yard 

Quantity: 

1 yard 

[Customize it!](#) [Add to Cart](#)

 Custom made within 7 days. When will I get it?

 Like [Add to](#)

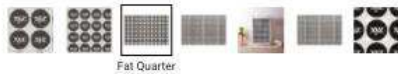
40% Off Mugs, Pillows & More |
15% Off Sitewide | Use Code:
ZOXOFF2024

XYZ SPECIMEN: CLASS 24

Share



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xyz linen fabric

> \$66.05 per yard **★★★★★ 4.8** (123)
20% Off with code **BESTZAZGIFTS**

Artwork designed by
XYZ_BAND_OFFICIAL
[View their Store](#) [Ask this Designer](#)

Fabric: [fabric guide](#)
Ivory Linen (54" width)

Size: [Size Chart](#)
Yard

Quantity:
1 yard

Customize it!

Add to Cart

Custom made within 9-14 days. [When will I get it?](#)

Like

Add to

50% Off Mugs, Ornaments, Stockings & More [Shop Now >](#) Use Code:
BESTZAZGIFTS *details

JOHN ZOZ SPECIMEN: CLASS 24

Share



view larger



zox cotton fabric

\$29.10 per yard **★★★★★ 4.8** (152)

Artwork designed by
ZOX_BAND_OFFICIAL
[View their Store](#)

Fabric: [fabric guide](#)
Combed Cotton (56" width)

Size: [size chart](#)
Yard

Quantity:
1 yard

Customize it!

Add to Cart

Custom made within 7 days. [When will I get it?](#)

Like

Add to

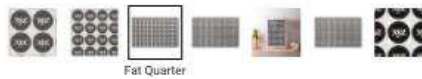
40% Off Mugs, Pillows & More /
15% Off Sitewide / Use Code:
COZYUPSALE17 / Ends

XYZ SPECIMEN: CLASS 24

Share




view larger



xyz cotton fabric

= \$26.65 per yard ★★★★★ 4.8 (127)

20% Off with code BESTZAZGIFTS


Artwork designed by
XYZ_BAND_OFFICIAL

View their store  App this designer


Fabric: [Fabric guide](#) 

Combed Cotton (56" width) 

Size: [Size Chart](#) 

Yard 

Quantity:

1 yard 

Customize it!

Add to Cart

 Custom made within 9-14 days: [When will I get it?](#)

 Like

 Add to

50% Off Mugs, Ornaments, Stockings & More [Shop Now](#) > [Use Code](#)

BESTZAZGIFTS [*details](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

ZOX Stretch Pants

\$75.95

per pair of leggings

Qty: 1

Add to Cart

40% off with code BLKFRIDAYZAZ
ends today



Share this:     



Designed for you

Customize



Size

Size Chart

Select a size



Estimated delivery Nov 30 to Dec 3 via Express.
[Shipping options](#)

XYZ SPECIMEN: CLASS 25

XYZ Stretch Pants

★★★★★ 4.8 (805)

\$75.95

per pair of leggings

Qty: 1

Add to Cart

20% off with code BESTZAZGIFTS



Design is previewed with RealView™ technology. [Learn more](#)

Share this:     



Designed for you

by [XYZ_BAND_OFFICIAL](#)

Edit Design



Size

Size Chart

Select a size



Arrives by Nov 27 with Express.
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

ZOX Socks! Socks

\$26.07
each

Qty:

1

Add to Cart

20% off with code BLKFRIDAYZAZ
ends today



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Estimated delivery Nov 29 to Nov 30 via Express.
[Shipping options](#)



Designed for you

Customize



Size

Small (US Men 5-7 / US Women 5-9)

XYZ SPECIMEN: CLASS 25

YZZ Socks! Socks

★★★★★ 4.7 (139)

\$26.07
each

Qty:

1

Add to Cart

20% off with code BESTZAZGIFTS



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Get your order Nov 23 by 9pm with

[Shipping options](#)



Designed for you

by XYZ_BAND_OFFICIAL

Edit Design



Size

Large (US Men 8-13 / US Women 9-14)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

ZOX Jacket

\$67.80
per shirt

Qty:

1

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20% off with code BLKFRIDAYZAZ
ends today



Independent artist's content may not match model depicted; RealView™ technology illustrates fit and usage only.

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Estimated delivery Dec 4 via Express. [Shipping options](#)



Designed for you

Customize



Size

[Size Chart](#)

Select a size



Style

American Apparel Fleece Zip Jogger



[See more](#)

Color & Print Process

White

[Learn more](#)

XYZ SPECIMEN: CLASS 25

xyz Jacket
★★★★★ 5.0 (2)

\$42.55
per shirt

Qty:

1

Add to Cart

20% off with code BESTZAZGIFTS
ends today



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There's an issue with this design. [See details](#)



Designed for you

by Colfax_Country_Club

Edit Design



Size

Select a size



Style

Women's Embroidered American Apparel Jacket



[More \(17\)](#)

Color

White



[Details](#)



Arrives by Dec 7 with Express

[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

zox trucker hat

\$14.95
per hat

Qty: 1

Add to Cart

15% off with code WEEKDAYSHOPZ



Independent artist's content may not match model depicted. RealView™ technology illustrates fit and usage only.

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Designed for you

Customize



Color
White and Black



Estimated delivery Nov 19 to Nov 20 via Express.
[Shipping options](#)

XYZ SPECIMEN: CLASS 25

XYZ Trucker Hat

★★★★★ 4.8 (3351)

\$14.95
per hat

Qty: 1

Add to Cart

20% off with code BESTZAZGIFTS



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Edit Design

Sell It



Color
White and Black



Get your order Nov 23 by 9pm with
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 25 (deleted from Application)

zox slip-on shoes

★★★★★ 4.6 (20)

\$90.90
per pair of slippers

Qty: 1 pair of slip...

Add to Cart

15% off with code COZYUPSALE17



Designed for you

Customize



Size

Select a size



Mirror

☒ Mirror

Details

XYZ SPECIMEN: CLASS 25

xyz slip-on shoes

★★★★★ 4.8 (71)

\$90.90
per pair of slippers

Qty: 1

Add to Cart

20% off with code BESTZAZGIFTS



Designed for you

by XYZ_BAND_OFFICIAL

Edit Design



Size

Select a size

Size Chart



Mirror

☒ Mirror Left To Right

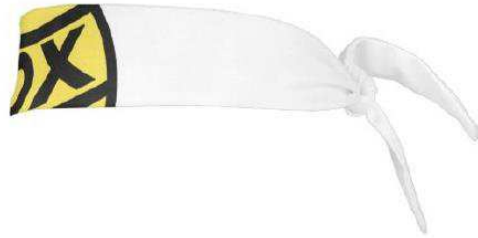
Details

JOHN ZOX SPECIMEN: CLASS 26

Accessories > Athletic Headbands

Zox Headband Tie Headband

★★★★★ 5.0 (2)



Estimated delivery Feb 9 to Feb 13 via Express. [Shipping options](#)

\$16.95
each

Qty: 1 Headband

Add to Cart

15% off with code COZYUPSALE17

Designed for you



Customize



Length
35" length

[More \(2\)](#)

XYZ SPECIMEN: CLASS 26

XYZ Headband Tie Headband

★★★★★ 4.8 (23)



Share this:



\$16.95
each

Qty: 1

Add to Cart

20% off with code BESTZAZGIFTS

Create your own design

Designed by you

Edit Design

Sell It



Length
35" length

[More \(2\)](#)



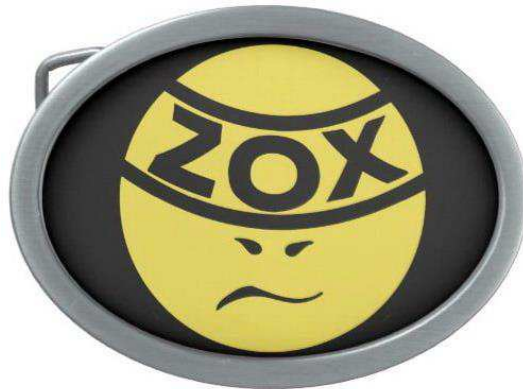
Arrives by Dec 1 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 26

Accessories > Belt Buckles > Oval

zox belt buckle

★★★★★ 4.8 (28)



Estimated delivery Feb 7 via Express. [Shipping options](#)

\$39.10
per belt buckle

Qty: 1 belt buckle

Add to Cart

15% off with code COZYUPSALE17



Designed for you

Customize



Style
Oval



[Details](#)

XYZ SPECIMEN: CLASS 26

xyz belt buckle

★★★★★ 4.8 (64)



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Share this:



\$39.10
per belt buckle

Qty: 1

Sold Out

20% off with code BESTZAZGIFTS

Sorry, this **Size** is temporarily sold out. Please select another Style. We'll let you know when it's available!



Designed for you
by XYZ_BAND_OFFICIAL

Edit Design



Style
Oval



[Details](#)

JOHN ZOX SPECIMEN: CLASS 26

Zox Hair/Arm Band Tie Ribbon Hair Tie

★★★★★ 4.5 (44)

\$2.55
per hair tie

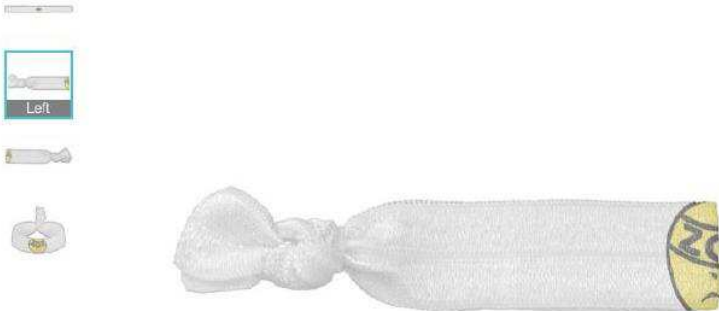
Qty: 1 hair tie

Add to Cart

15% off with code COZYUPSALE17

Designed for you

Customize



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XYZ SPECIMEN: CLASS 26

Xyz Hair/Arm Band Tie Ribbon Hair Tie

★★★★★ 4.5 (200)

\$2.55
per hair tie

Qty: 1

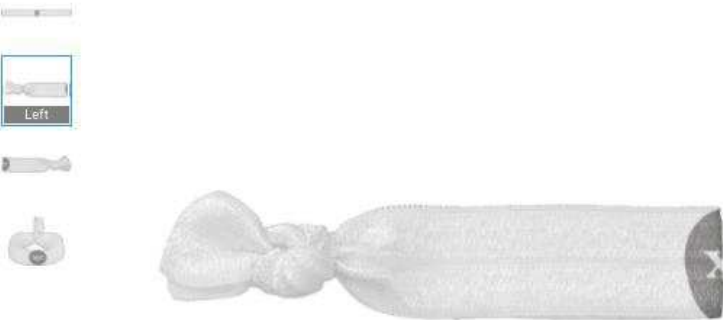
Add to Cart

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Edit Design

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Arrives by Nov 25 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 26

Accessories > Jewelry > Charms

zox zipper pull charm

★★★★★ 4.7 (91)



Estimated delivery Feb 7 via Express. [Shipping options](#)

\$16.60
per item

Qty:

1 item

Add to Cart

15% off with code COZYUPSALE17



Designed for you

Customize



Style
Charm



[Details](#)



Shape
Square



[Details](#)



Color
Silver Plated

[Details](#)

XYZ SPECIMEN: CLASS 26

Accessories > Jewelry > Charms

xyz zipper pull charm

★★★★★ 4.8 (190)



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\$16.60
per item

Qty:

1

Add to Cart

20% off with code BESTZAZGIFTS



Designed for you

Edit Design



Style
Charm



[Details](#)



Shape
Square



[Details](#)



Color
Silver Plated

[Details](#)



Arrives by Nov 25 with Express.
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 26

Accessories > Jewelry > Charms

zox zipper pull charm

★★★★★ 4.7 (91)



Estimated delivery Feb 7 via Express. [Shipping options](#)

\$16.60
per item

Qty: 1 item

Add to Cart

15% off with code COZYUPSALE17



Designed for you

Customize

Style
Charm



Details >

Shape
Square



Details >

Color
Silver Plated

Details >

XYZ SPECIMEN: CLASS 26

Accessories > Jewelry > Charms

xyz zipper pull charm

★★★★★ 4.8 (190)



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\$16.60
per item

Qty: 1

Add to Cart

20% off with code BESTZAGIFTS



Designed for you

Edit Design

Style
Charm



Details >

Shape
Square



Details >

Color
Silver Plated

Details >

Arrives by Nov 25 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 28

zox cornhole game cornhole set

★★★★★ 5.0 (4)

\$238.00

per set

Qty:

1 Cornhole ...

Add to Cart

15% off with code GONEINZFLASH



Designed for you

[Customize](#)

Board Color
Natural Wood

Bag Colors: Board 1
Red

Bag Colors: Board 2
Royal Blue

XYZ SPECIMEN: CLASS 28

xyz cornhole game cornhole set

★★★★★ 4.8 (87)

\$200.00

per set

Qty:

1

Add to Cart

20% off with code BESTZAZGIFTS



There are issues with this design. [See details](#)

Create your own design
Designed by you

Board Color
Natural Wood

Bag Colors: Board 1
Red

Bag Colors: Board 2
Red

Arrives by Dec 1 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 28

zox basketball hoop game

★★★★★ 4.3 (5)



Estimated delivery Feb 9 via Express. [Shipping options](#)

\$22.30
per mini basketball hoop

Qty: 1 mini basketball hoop

[Add to Cart](#)

15% off with code GONEINZFLASH



Designed for you

[Customize](#)

XYZ SPECIMEN: CLASS 28

xyz basketball hoop game

★★★★★ 4.6 (35)



Design is previewed with ReaView™ technology. [Learn more](#)

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\$22.30
per mini basketball hoop

Qty: 1

[Add to Cart](#)

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by XYZ_BAND_OFFICIAL

[Edit Design](#)

Arrives by Nov 25 with Express
[Shipping options](#)

JOHN ZOX SPECIMEN: CLASS 28

zox jigsaw puzzle

★★★★★ 4.2 (82)



\$16.95
per puzzle

Qty: 1 puzzle

Add to Cart

15% off with code GONEINZFLASH



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Customize



Size
8x10 Photo Puzzle with Gift Box [More \(2\)](#)

XYZ SPECIMEN: CLASS 28

xyz jigsaw puzzle

★★★★★ 4.6 (337)



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\$16.95
per puzzle

Qty: 1

Add to Cart

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Sell It



Size

- ☐ 11" x 14", 30 oversized pieces - Easy +\$...
- ☐ 16" x 20", 56 pcs - Easy +\$33.00
- ☒ 8" x 10", 110 pieces - Challenging
- ☐ 11" x 14", 252 pieces - Challenging +\$2...
- ☐ 16" x 20", 520 pcs - Hard +\$23.00
- ☐ 20" x 20", 676 pieces - Difficult +\$38.00
- ☐ 20" x 30", 1014 pieces - Difficult +\$43.00

JOHN ZOX SPECIMEN

zox metal ornament

★★★★★ 4.8 (946)

\$20.95
per ornament

Qty: 1 ornament

Add to Cart

15% off with code GONEINZFLASH



Share this: [icons]



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Customize



Style
Premium Square Ornament



Details

XYZ SPECIMEN

xyz metal ornament

★★★★★ 4.8 (986)

\$20.95
per ornament

Qty: 1

Add to Cart

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ends today



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Sell It



Style
Premium Square Ornament



Details



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ZIP

JOHN ZOX SPECIMEN

zox ceramic ornament

★★★★★ 4.7 (605)

\$12.95
per ornament

Qty: 1 ornament [Add to Cart](#)

15% off with code GONEINZFLASH



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[Customize](#)



Style
Oval Ornament



[Details](#)



Add A Gift Pouch
☐ Add A Gift Pouch

XYZ SPECIMEN

xyz ceramic ornament

★★★★★ 4.7 (1278)

\$12.95
per ornament

Qty: 1 [Add to Cart](#)

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ends today



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by XYZ_BAND_OFFICIAL

[Edit Design](#)



Style
Oval Ornament



[Details](#)



Add A Gift Pouch
☐ Velvet Gift Pouch
+\$1.95



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Complimentary with product
purchase. [Click to get started.](#)



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JOHN ZOX SPECIMEN

zox metal ornament

★★★★★ 4.8 (194)

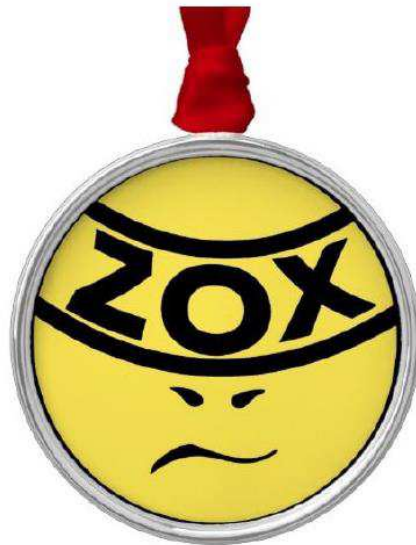
\$20.95

per ornament

Qty: 1 ornament

Add to Cart

15% off with code [GONEINZFLASH](#)



Designed for you

Customize



Style
Premium Round Ornament



Details

XYZ SPECIMEN

xyz metal ornament

★★★★★ 4.8 (471)

\$20.95

per ornament

Qty: 1

Add to Cart

50% off with code [BESTZAZGIFTS](#)
ends today



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Sell It



Style
Premium Round Ornament



Details



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2/p

EXHIBIT 5

Katherine Bond

From: Liana Larson <liana.larson@zazzle.com>
Sent: Friday, January 8, 2021 11:02 AM
To: Katherine Bond
Cc: Yazmín Curiel-Ruth; Sasha Savitsky
Subject: Re: Subpoena re. House of Kuipers LLC, et al. v. John Zox; TTAB Opp. No. 91252817; Our Matter No. 19-39901
Attachments: Zox Sales Report.xlsx; 20210105 Supoena to Zazzle Inc re. ZOX FINAL[3].pdf

Hello Katherine,

Per our call yesterday, I believe that the information in the attached excel spreadsheet fulfills our obligations under the attached subpoena. Please let me know if there is further information required.

Thank you!



Liana Larson

Associate General Counsel, Zazzle Inc.
liana.larson@zazzle.com

From: Katherine Bond <KBond@cislo.com>
Date: Tuesday, January 5, 2021 at 2:32 PM
To: Liana Larson <liana.larson@zazzle.com>
Cc: Yazmín Curiel-Ruth <YCurriel-Ruth@cislo.com>, Sasha Savitsky <SSavitsky@cislo.com>
Subject: Re: Subpoena re. House of Kuipers LLC, et al. v. John Zox; TTAB Opp. No. 91252817; Our Matter No. 19-39901

Sure- can you please call [REDACTED]

Thanks

Katherine

Sent from my iPhone

On Jan 5, 2021, at 2:14 PM, Liana Larson <liana.larson@zazzle.com> wrote:

I'm available now, if you are.

Thank you!

<image001.png>

Liana Larson

Associate General Counsel, Zazzle Inc.
liana.larson@zazzle.com

UNITED STATES DISTRICT COURT

for the

Central District of California



House of Kuipers LLC, et al.

Plaintiff

v.
John Zox

Defendant

Civil Action No. Opposition No. 91252817

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

Zazzle Inc.

To: Registered Agent for Service: Incorporating Services Ltd. 7801 Folsom Blvd., Sacramento, CA 95826

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: Cislo & Thomas LLP
12100 Wilshire Blvd., Ste. 1700
Los Angeles, CA 9025

Date and Time:

01/29/2021 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/05/2021

CLERK OF COURT

OR

Katherine Bond

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____
House of Kuipers LLC, et al., who issues or requests this subpoena, are:
Katherine Bond, Cislo & Thomas LLP, 12100 Wilshire Blvd., Ste. 1700, Los Angeles, CA 90025
(310) 979-9190, kbond@cislo.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. Opposition No. 91252817

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

House of Kuipers LLC, et al v. John Zox
Trademark Trial and Appeal Board
Opposition No.: 91252817

**ATTACHMENT A TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION,
OR OBJECTS, OR PERMIT INSPECTION OF PREMISES IN CIVIL ACTION ISSUED
TO CUSTODIAN OF RECORDS FOR:**

ZAZZLE INC.

YOU ARE COMMANDED to permit inspection and copying of the following documents or tangible things at the place, date, and time specified in attached form AO 88B:

I. Instructions and Definitions:

1. “You” and “Your” means Zazzle Inc., a California corporation and any and all current agents, employees, directors, officers, trustees, and attorneys, or any other person or entity acting in concert, directly or indirectly, with them.
2. The term “Defendant” or “John Zox” refers to John Zox, an individual and any and all current agents, employees, directors, officers, trustees, and attorneys, or any other person or entity acting in concert, directly or indirectly, with him including
3. The term “House of Kuipers” or “HOK” means House of Kuipers LLC et al., the Plaintiffs in the above-referenced action.
4. The phrase “Zox Zazzle Stores” means the stores located at the domains <http://www.zazzle.com/zox+gifts> as referenced and shown on page 33 in the attached Exhibit 1 and https://www.zazzle.com/zox_band_official+gifts.
5. The phrase “John Zox Zazzle Goods” are the goods shown in the Zazzle screenshots in the attached Exhibit 1 specifically on pages 1, 8, 13-32.
6. The term “Document” means each and every writing, whether an original, draft or copy, however produced or reproduced, and each and every thing from which information can be processed or transcribed, and includes without limitation all things meeting the definition of “documents” set forth in Rule 34(a) of the Federal Rules of Civil Procedure or the definition of “writings” and “recordings” set forth in Rule 1001 of the Federal Rules of Evidence. Any document with any marks such as initials, comments, or notations of any kind is deemed to be a different copy of that document to one without such marks and is to be produced as a separate document. Any Document in the possession of a person is deemed to be a different copy of an identical document in the possession of another person and is to be produced as a separate document.
7. The term “thing” has the meaning prescribed in Rule 34 of the Federal Rules of Civil Procedure and/or includes every kind of physical specimen or tangible item or object, other than a Document, in the possession, custody or control of Defendant.

8. As used herein, the singular includes the plural and vice versa, except where the context does not permit. The terms “and” and “or” shall be both conjunctive and disjunctive as to bring within the scope of a request all information that might otherwise be construed to be outside its scope. The term “or” means “and/or.” The terms “any” and “all” shall mean “any and all.”
9. The term “including” means “including without limitation.”
10. The term “person” refers to any natural person or any business, legal or governmental entity or association.
11. The terms “relate to,” “evidencing,” “relating to,” “relates to,” or “concerning” shall be construed broadly to mean evidencing, constituting, referring to, comprising, illustrating, recording, memorializing, discussing, or describing.
12. The use of any verb in any tense shall be construed as the use of the verb in all other tenses.
13. The term “communication” or “communications” refers to the transmittal of information, in the form of facts, ideas, inquiries, or otherwise, from one person to another person regardless of the manner in which such communication took place including, but not limited to, e-mail, letters, memoranda, notes, text messages, call recordings and voicemails.
14. To the extent You contend any documents are protected by a privilege and on that basis will not be produced, produce a privilege log that identifies the document by title, date created, the person who created the document, all recipients of the document, and the basis for claim of privilege.
15. To the extent documents requested can only be produced electronically due to a lock-down, that will be sufficient.

II. Document Requests:

1. All communications, documents, and/or electronically stored information referring or relating to the Zox Zazzle Stores.
2. All communications between You and the owner and/or operator of the Zox Zazzle Stores.
3. Documents sufficient to identify the time period and/or date of when the Zox Zazzle Stores were created.
4. All documents referring or relating to John Zox’ contention that the John Zox Zazzle Goods shown in the attached Exhibit 1 were sold through Zazzle.
5. Documents sufficient to demonstrate all orders placed via the Zox Zazzle stores.
6. Documents sufficient to demonstrate for each order placed through the Zox Zazzle Stores the (i) type of goods ordered, (ii) quantity ordered, (iii) date of purchase, (iv) amount of each good in the order, (v) total amount of the order and (vi) location the goods were shipped to (city, state).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Date	Order ID	Order	Produc	Root I	Store ID	Store Na	Seller Email	Seller Nam	Seller Addr	Seller Zip	C Seller	Product Type
5/6/2016 5:24	131-86611	169-22256-45	256-4	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite booginhead_pacifier	
5/6/2016 5:24	131-86611	169-60235-84	235-8	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
2/19/2017 11:50	131-56944	169-76235-93	235-9	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
5/15/2017 20:28	131-21033	169-13235-04	235-0	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
2/15/2018 18:42	131-81572	169-49217-67	217-6	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_sticker	
11/19/2018 2:41	131-63462	169-26235-21	235-3	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
3/9/2019 8:41	131-47554	169-46235-84	235-8	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
12/11/2019 10:01	131-94574	169-81235-93	235-9	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
12/19/2019 9:44	131-45004	169-87217-67	217-6	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_sticker	
11/27/2020 21:01	131-17812	169-31235-93	235-9	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
11/27/2020 21:01	131-17812	169-33235-36	235-3	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_shirt	
12/31/2020 20:15	131-16210	169-12256-72	256-7	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite sixd_hairtie	
12/31/2020 20:15	131-16210	169-22256-27	256-2	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite sixd_hairtie	
12/31/2020 20:15	131-16210	169-22256-14	256-1	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite planetjill_charmbracelet	
12/31/2020 20:15	131-16210	169-41137-35	137-3	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_card	
12/31/2020 20:15	131-16210	169-55256-88	256-7	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite oneupbands_tieback	
12/31/2020 20:15	131-16210	169-60256-30	256-9	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite planetjill_beltbuckle	
12/31/2020 20:15	131-16210	169-65217-67	217-6	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_sticker	
12/31/2020 20:15	131-16210	169-66256-57	256-5	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite bicycle_playingcards	
12/31/2020 20:15	131-16210	169-66256-29	256-2	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_luggagehandlewrap	
12/31/2020 20:15	131-16210	169-67256-79	256-7	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_fabric	
12/31/2020 20:15	131-16210	169-74149-48	149-4	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite zazzle_bag	
12/31/2020 20:15	131-16210	169-90256-20	256-5	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite planetjill_banglebracelet	
12/31/2020 20:15	131-16210	169-96256-54	256-5	250-827	ZOX_BAI	zoxband@	john zox	PO BOX 32	NEW YNY	10008-323	Unite digiwrap_giftbag	

EXHIBIT 6

FIGURE A: Fig. 2- The Zox Band website 2008-2020"



Fig. 2 – ZOX Band Website (2008 – 2020)

FIGURE B: Archived Wayback Machine webpage from November 16, 2017



FIGURE C: Archived Wayback Machine webpage from January 18, 2020

USPTO TTABVUE. Proceeding x Trademark Electronic Search x USPTO TTABVUE. Trademark x USPTO TTABVUE. Proceeding x USPTO TTABVUE. Proceeding x Z O X

https://web.archive.org/web/20200118114038/http://www.zoxband.com/

INTERNET ARCHIVE waybackmachine 252 captures 7 Aug 2002 - 27 Oct 2020

Go NOV JAN MAY LINE IN THE SAND 18 2018 2020 2021 About this capture



HOME
TOURDATES
MUSIC
VISUALS
STORE
PROMOTE
PRESS KIT
CONTACT

JOIN MAILING LIST

email address
zip code

SIGN UP!



NEWS

10.08.17
For news, updates, community chatter, and more, head to the Official ZOX Facebook Page:
<https://www.facebook.com/ZOX-6813512423/>

05.06.14
95.5 WBRU Presents - ZOX - Only Show of The Year! October 11, 2014 5:30PM - Lupo's, Providence, RI

05.18.13
Instrumental tracks from ZOX albums *Take Me Home* and *The Wait* have been released to iTunes, Spotify, and beyond. Karaoke it up!

06.30.11
Send us a YouTube link to a clip of you playing any ZOX song you like. The band will pick their favorite, and ask the musician(s) to come up on stage during the Aug 13 show to play along in front of 1000 people. You can sing or play an instrument, and you can include as many musicians as you want in each clip. Please send YouTube links to info@zoxband.com by Aug 7.

06.15.11
WBRU Presents: ZOX 10-Year Reunion. August 13, 2011 at Lupo's in Providence, RI.

08.23.10
Only ZOX show of the year announced! Oct 9th at



LINE IN THE SAND

BUY THE CD!

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Type here to search

11:05 AM 11/16/2020

EXHIBIT 7

EXHIBIT 7: WIKIPEDIA EDITING

WIKIPEDIA

ZOX: Difference between revisions

← Previous edit

Next edit →

ZOX [\(edit\)](#)

Revision as of 19:17, 3 October 2020

1 BYTE REMOVED, 2 MONTHS AGO

no edit summary

```
}}
```

'''ZOX''' **was** a band from [[Providence, Rhode Island]] that is self-described as "[[violin]]-laced indie-rock." The band consists of four members: namesake John Zox (drums), Eli Miller (guitar, vocals), Spencer Swain (violin, vocals), and Dan Edinberg (bass, vocals).

==History==

Anonymous user

71.244.117.58

ZOX: Difference between revisions

[← Previous edit](#) [Next edit →](#)

ZOX [\(edit\)](#)

Revision as of 19:20, 3 October 2020

21 BYTES ADDED, 2 MONTHS AGO



no edit summary

```
| origin = [[Providence, Rhode Island]], US
| genre = [[Alternative rock]], [[reggae rock]]
| years_active = 2002&ndash;2009
, 2010&ndash;present.
| label = [[SideOneDummy Records]], Armo Records,
Zox Music
| past_members = John Zox<br />Eli Miller<br
/>Spencer Swain<br />Dan Edinberg
```

Anonymous user






71.244.117.58

EXHIBIT 7: WIKIPEDIA EDITING

 WIKIPEDIA 

User talk:Accurate Sea

User page Talk

Active discussions

Welcome!

October 2020

Managing a conflict of interest



November 2020

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December 2020

January 2021

[Read as wiki page](#)

 Last edited 3 days ago by Melcous 

< November 2020

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User talk:Melcous (edit)

Revision as of 19:57, 21 October 2020

▲ 143 BYTES ADDED, 3 MONTHS AGO

→zox *shows*

[[User:Accurate Sea|Accurate Sea]] ([[User talk:Accurate Sea|talk]]) 05:40, 21 October 2020 (UTC)
 : Hi {{u|Accurate Sea}}, and thanks for your message. The goal in Wikipedia is [[WP:RS|independent, secondary sources]], so no, sorry, your own personal knowledge is not sufficient - information must be [[WP:V|verifiable]] by other editors. It would also be good for you to read the [[WP:COI|conflict of interest]] guidelines: as someone who toured with the band, these would likely apply to you and so the best thing you can do is [[Template:Request edit|suggest edits]] on the article's [[WP:TALK|talk page]], rather than edit it directly. Thank you [[User:Melcous|Melcous]] ([[User talk:Melcous#top|talk]]) 06:38, 21 October 2020 (UTC)

I was literally **on-stage** for ALL of these concerts. I can 100% confirm, swear to the Lord, that these concerts occurred. Further, the band's website clearly lists all the concerts: <http://www.zoxband.com/#tour-dates> I am the primary source

(the individual who was there), and if that is not sufficient, you can ask the band's booking agent, www.-caa.com. This is not a conflict of interest.

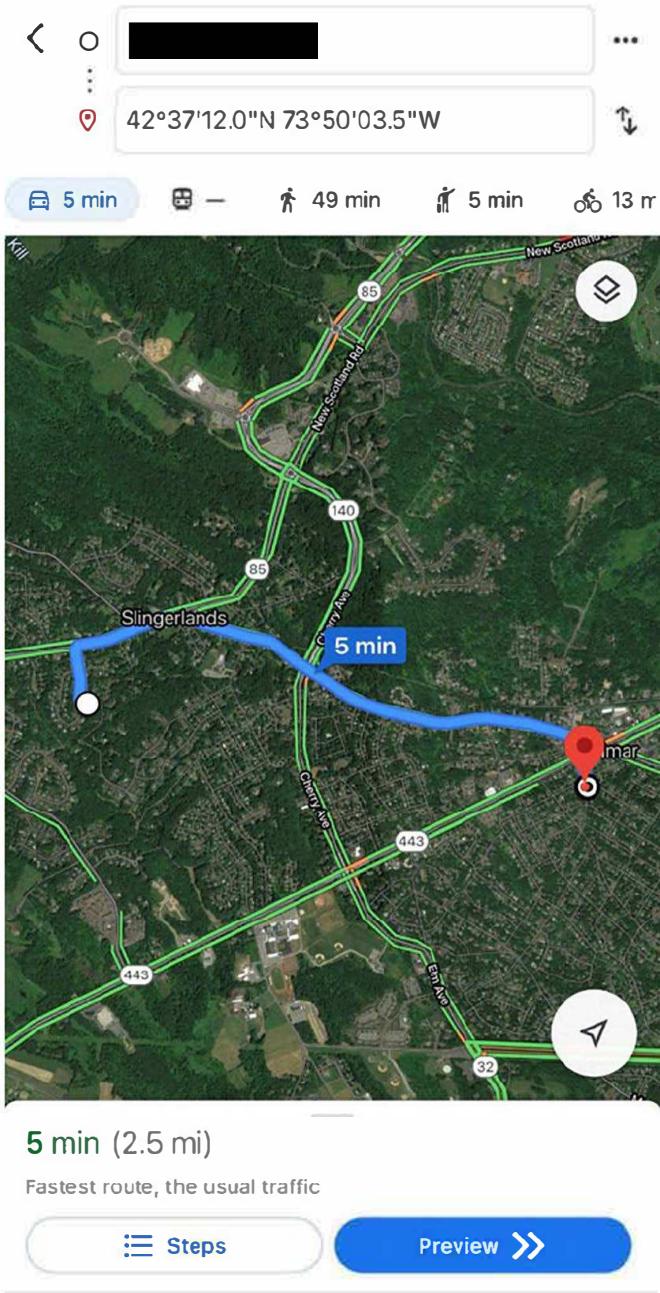
Also, if you'd like to call me, i can tell you in detail about every single one of these concerts in question.

16:10, 21 October 2020 (UTC)

 **Accurate Sea**

 42
EDITS

EXHIBIT 7: WIKIPEDIA EDITING



ZOX: Revision history

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m = [minor edit](#), **→** = [section edit](#), **←** = [automatic edit summary](#)

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(Undid revision 990565287 by [Melcous](#) ([talk](#))) ([undo](#)) ([Tag: Reverted](#))
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(Undid revision 990565343 by [Melcous](#) ([talk](#)). Not a COI, or if so, please provide proof.) ([undo](#)) ([Tags: Undo, Reverted](#))
- [\(cur | prev\)](#) ○ [06:12, 25 November 2020](#) [Melcous](#) ([talk](#) | [contribs](#)) . . (5,215 bytes) **(-1,051)** . .
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User talk:Accurate Sea

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Welcome!

Hello Accurate Sea! Welcome to Wikipedia! Thank you for your contributions. If you decide that you need help, check out *Getting Help* below, ask me on my talk page, or place {{helpme}} on your talk page and someone will show up shortly to answer your questions. Please remember to sign your name on talk pages by clicking  or using four tildes (~~~~); this will automatically produce your name and the date. Finally, please do your best to always fill in the edit summary field. Below are some useful links to facilitate your involvement. Happy editing! XLinkBot (talk) 17:37, 19 October 2020 (UTC)

Getting Started

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October 2020

Welcome to Wikipedia. Although everyone is welcome to contribute constructively to the encyclopedia, your addition of one or more external links to the page [ZOX](#) has been reverted.

Your edit [here](https://en.wikipedia.org/w/index.php?diff=984352471&oldid=984352227) (<https://en.wikipedia.org/w/index.php?diff=984352471&oldid=984352227>) to [ZOX](#) was reverted by an automated bot that attempts to remove links which are discouraged per our [external links guideline](#). The external link(s) you added or changed (<https://www.facebook.com/ZOX-6813512423/>) is/are on my list of links to remove and probably shouldn't be included in Wikipedia.

If you were trying to insert an [external link](#) that does comply with our policies and guidelines, then please accept my creator's apologies and feel free to [undo](#) the bot's revert. However, if the link does not comply with our policies and guidelines, but your edit included other, constructive, changes to the article, feel free to make those changes again without re-adding the link. Please read Wikipedia's [external links guideline](#) for more information, and consult my [list of frequently-reverted sites](#). For more information about me, see my [FAQ page](#). Thanks! --[XLinkBot](#) ([talk](#)) 17:37, 19 October 2020 (UTC)

Managing a conflict of interest

Hello, Accurate Sea. We [welcome](#) your contributions, but if you have an external relationship with the people, places or things [you have written about](#) on Wikipedia, you may have a [conflict of interest](#) (COI). Editors with a conflict of interest may be [unduly influenced](#) by their connection to the topic. See the [conflict of interest guideline](#) and [FAQ for organizations](#) for more information. We ask that you:

- **avoid editing or creating** articles about yourself, your family, friends, colleagues, company, organization or competitors;
- **propose changes** on the talk pages of affected articles (you can use the {{request edit}} template);
- **disclose** your conflict of interest when discussing affected articles (see [Wikipedia:Conflict of interest#How to disclose a COI](#));
- **avoid linking** to your organization's website in other articles (see [WP:Spam](#));
- **do your best** to comply with Wikipedia's [content policies](#).

In addition, you are **required** by the [Wikimedia Foundation's](#) terms of use to disclose your employer, client, and affiliation with respect to any contribution which forms all or part of work for which you receive, or expect to receive, compensation. See [Wikipedia:Paid-contribution disclosure](#).

Also, editing for the purpose of advertising, publicising, or promoting anyone or anything is not permitted. Thank you. [ThatMontrealIP](#) ([talk](#)) 22:13, 21 October 2020 (UTC)

November 2020

Hello, I noticed that you may have recently made edits while logged out. Wikipedia's [policy on multiple accounts](#) usually does not allow the use of both an account and an IP address by the same person in the same setting and doing so may result in your account being [blocked from editing](#). Additionally, making edits while logged out reveals your [IP address](#), which may allow others to determine your location and identity. If this was not your intention, please remember to log in when editing. Thank you. [ThatMontrealIP](#) ([talk](#)) 07:32, 25 November 2020 (UTC)

Your account can not be shared

Accurate Sea, not only do your comments on my talk page make it clear that you have a conflict of interest with the article on ZOXX, your most recent edit summary there says that this is a "group account", which is not permitted - see WP:NOSHARING. You should stop this practice or you can be blocked from editing. Melcous (talk) 01:20, 30 November 2020 (UTC)

All details on zox page that you have questioned/removed have now been properly cited where necessary (at the risk of citation overkill https://en.wikipedia.org/wiki/Wikipedia:Citation_overkill), despite not definitively requiring said citations given the nature of the content (https://en.wikipedia.org/wiki/Wikipedia:Good_article_criteria). (Please see your Talk for additional explanation on this citation topic.) Further, none are opinion-based, as they comprise biographical facts regarding a musical act. Since the vast majority of the facts in the article **were not added by me**--i simply provided citations--the purported COI you mention is moot. However, if you deem it absolutely necessary, feel free to add me as a "connected contributor", as a past employee of the business. Regarding the shared account, this referred to family members, as this computer has perpetual sign-in. Not to worry--we will each open our own accounts. Regardless of all this, it still is unclear why you are engaging in an edit war with cited information. Accurate Sea (talk) 07:01, 16 December 2020 (UTC)

And again, the response to this is simple. As you have declared that you have a conflict of interest, you are asked (again) *not* to edit the article directly, but rather to use the talk page to suggest/request edits. Melcous (talk) 07:10, 16 December 2020 (UTC)

I will no longer edit the site, your comment has been duly noted. Thank you. However, the content that **is** currently present (which you seem to keep deleting), is now **all** properly cited and accurate, with no bias or opinion-based entries. Can we considered this settled? i.e. Leave content currently present, and I will never again edit the page...? Accurate Sea (talk) 16:02, 11 January 2021 (UTC)

That's not how this works. You have disclosed that you have a WP:COI and you have been asked repeatedly to propose edits on the talk page rather than editing the article directly. Melcous (talk) 00:30, 12 January 2021 (UTC)

I don't have any edits to "propose". I said I will not edit any longer. You are removing content from the article that I never added in the first place -- i simply put citations in (links to articles online), to prevent you from continuously deleting the publicly available facts (which as i've explained in talk, do not actually require citations since its "citation overkill". It kind of feels like **you** don't understand how this works!Accurate Sea (talk) 03:48, 13 January 2021 (UTC)

December 2020



You currently appear to be engaged in an edit war; that means that you are repeatedly changing content back to how you think it should be, when you have seen that other editors disagree. Users are expected to collaborate with others, to avoid editing disruptively, and to try to reach a consensus, rather than repeatedly undoing other users' edits once it is known that there is a disagreement.

Points to note:

- 1. Edit warring is disruptive regardless of how many reverts you have made;**
- 2. Do not edit war even if you believe you are right.**

If you find yourself in an editing dispute, use the article's [talk page](#) to discuss controversial changes and work towards a version that represents consensus among editors. You can post a request for help at an [appropriate noticeboard](#) or seek dispute resolution. In some cases, it may be appropriate to [request temporary page protection](#). If you engage in an edit war, you **may be [blocked from editing](#)**. [Melcous \(talk\)](#) 21:44, 9 December 2020 (UTC)

January 2021



You may be **[blocked from editing without further warning](#)** the next time you [disrupt](#) Wikipedia, as you did at [ZOX](#). [Melcous \(talk\)](#) 06:39, 21 January 2021 (UTC)

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This page was last edited on 21 January 2021, at 06:39 (UTC).

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EXHIBIT 8

FEATURED

Spencer Swain talks about Zox's new B-Sides album

By Rob Duguay Special to The Independent Jan 22, 2021 0



Spencer Swain, a Richmond resident and co-vocalist for the previously-defunct Providence-based band Zox, said the group decided during the pandemic to put together its first album in 12 years with the recently-released "Lost and Found: B-sides."

Photo Courtesy: John Harrison

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During the 2000s, Zox was the biggest band coming out of Providence. The quartet of guitarist and co-vocalist Eli Miller, violinist and co-vocalist Spencer Swain, bassist Dan Edinberg and drummer John Zox combined alternative rock, folk, classical and even a bit of reggae to create a stunningly original sound that garnered a dedicated fan base that still exists to this day. After their initial breakup in 2009, the band has had a few reunion shows, but on Jan. 11 Zox put out its first release in 12 years with Lost and Found: B-sides. The album is currently available to stream on YouTube, Spotify, Pandora, Tidal and Deezer while also being made available to purchase on Apple & Amazon Music. After the madness that 2020 brought upon us, the announcement – made by the band via Facebook – was a welcome surprise.

Spencer currently lives in the small town of Richmond and we recently had a talk about using an old radio as the album cover to pay homage to a certain former alt-rock radio station, looking through the archives, his career as a roadie and touring musician being put on hold because of the pandemic and whether or not the new album is the only release to expect from Zox in 2021.

Rob Duguay: For Lost and Found, who discovered all of the old tracks and who came up with the idea for the album cover with the vintage radio on the 95.5 dial in tribute to WBRU?

Spencer Swain: Oh, you noticed that, huh?

RD: I did.

SS: Well, obviously we've all been bored from doing nothing and we had been talking about doing a reunion show before all of the pandemic mess happened. We've obviously been unable to do one, and then John came up with the idea of putting out another record. We were like, "Yeah, let's do it," since we weren't doing

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Dr. Nicole Alexander-Scott, director of the Rhode Island Department of Health, cited a short supply of COVID-19 vaccines in the state while arguing that despite those limitations the state is still doing well in doses per capita administered. "Right now, the biggest challenge facing Rhode Island's vaccine program — like most other states throughout the country — is that we are not receiving a lot of vaccine," Alexander-Scott stated in her update. Do you believe the state of Rhode Island has, so far, handled the distribution of the COVID-19 vaccine in a satisfactory way? Let us know in this week's poll question below.

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anything else. We all have archived stuff and he kind of collected everything over time, which is around 20 years now. Of course, none of it is new.

Like the title says, it's all b-sides and lost and found stuff we had archived. That's how it happened after many conversations through Zoom calls and we decided to do it. For the album cover, I found an old radio at a garage sale and I refurbished it with the dials and everything. I then tuned it to 95.5 and I repainted it. It's actually currently in my living room.

RD: Wow, that's wicked cool.

SS: Yeah.

RD: The last track on the album is a studio rendition of The Pixies' "Where Is My Mind?" with you on vocals, which fans of Zox know as a staple of the band's live set. Where was it recorded and which session was that a part of?

SS: None of us actually really know where each track was recorded except for the first few, which were done during the sessions for our last record, *Line In The Sand*, that came out in 2008. For whatever reason, we decided that those didn't make the cut, but I'm really glad that they're out now because I really like them. It's a funny question because none of us could actually remember where or when some of these things were recorded (laughs). It's kind of the charm of it, actually. We're just finding stuff out of the attic and out of the basement.

RD: It's awesome that these old tracks are finally coming to life. Now if it weren't for COVID-19, you would most likely be on the road with either Flogging Molly, The Devil Makes Three or another band doing either roadie & tech work, performing with them or both. With live music being nonexistent due to the pandemic, what have you been doing to pass the time and adapt to this crazy situation we're all in? I have you been laying low and working on other projects?

SS: I've been doing a lot of housework.

RD: That's good.

SS: I've been trying to do some more writing. You gotta have some discipline to get up in the morning and do music stuff every day, which is not what I do every day by far. I just love to be writing and playing music, definitely live, but that's just not possible currently.

RD: Being a music industry professional, what are your feelings on the new year? Are you cautiously optimistic that with the vaccine being rolled out, live music can return by the spring or summer or are you skeptical about the whole thing while also being patient?

SS: Flogging Molly currently has tour dates in Europe booked for the beginning of June, and as far as I know the European Union has not said no. So I think we're going to do that. I'm not totally sure, but I really hope we're going to get back to playing live shows. There'll probably be some weird restrictions that none of us have ever seen before. I know that Red Rocks in Colorado has opened up for April, but that's an outside venue, so I don't know the ins and outs of that. Hopefully things can open back up, I know I want to go to a show.

RD: Yeah, I miss live music myself. I managed to go to a few at a couple drive-ins and a couple socially-distanced ones during the summer and fall last year, and they were kind of weird but they were fun. It was better than nothing. I do miss genuine live music.

SS: Yeah, this whole thing has been super weird, but hopefully we get back to having real shows soon. I wish I could tell you more.

RD: I totally understand; there's so much uncertainty that there's only so much you know before you start asking yourself questions. Is the new b-sides album from Zox the first in a series where you, Eli, Dan & John will periodically look through the archives to pick out tracks to put out something else? If so, how do you envision it happening?

SS: I hope that it is the first of a series, because there's definitely a lot more to be unveiled. The original idea was to put out a few volumes of b-sides because there's so much that we have found. It's not just music; there's videos and all sorts of archived stuff that we sort of pushed to the side and have now found again. I hope that we'll put out a couple more volumes, it's sort of how we set it up in the first place, so let's look forward to the next thing I guess.

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